

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

* * * * *
IN RE: WEST OLD TOWN LANDFILL
LICENSE AMENDMENT APPLICATION
PUBLIC SESSIONS
* * * * *

SESSION II
MARCH 29, 2004
3:00 - 5:30

Old Town Elks Club
Old Town, Maine

1 MARCH 29, 2004

2 3:00 P.M.

3 MR. BURSON: Good afternoon. My name is
4 Malcolm Burson, and with my colleague, Elaine
5 Walsh, we will be the facilitators for this
6 afternoon and this evening's meeting. You will
7 note on the walls of the room several places where
8 the ground rules and procedures are listed. We
9 will be going over those in a few moments, but our
10 job is to make sure that we provide the best
11 opportunity for people to speak and be heard. As
12 we begin this afternoon's session, I would like to
13 introduce to you, if you've not already met her,
14 Commissioner Dawn Gallagher from the Department of
15 Environmental Protection who will say a few words
16 about the purpose of the meeting.

17 COMMISSIONER GALLAGHER: Thank you, and
18 welcome to the second segment I guess. I want to
19 start -- for those of you that were here for the
20 first, you're going to hear the same thing the
21 second time around, but I really want to say that
22 what we're here to do is to receive your comments
23 and receive your testimony about the regulatory
24 and statutory permit application that's in front
25 of us today, and while we'll be quite liberal

1 about what we will allow individuals to talk
2 about, it is really our requirement that we do
3 look at the license application that's in front of
4 us. So I do welcome all your comments. I hope
5 that you will come and speak. For those of you
6 that want to be on the record and under oath, we
7 will do that as well, and I think I will turn it
8 back over to Malcolm to go over the process.

9 MR. BURSON: Thank you. Let me briefly
10 speak about some of the ground rules that we would
11 like to ask all participants to abide by. Again,
12 Elaine and I, the facilitators, it is our job to
13 manage the process. If you wish to speak and have
14 not already done so, please complete a simple
15 registration form at the back table. We have been
16 taking those since this morning, and we will take
17 them basically in the order that we receive them.
18 So you don't obviously have to speak, but if you
19 plan to speak, we would appreciate it if you would
20 let us know, and then we'll be able to call on
21 people, again in the order in which those
22 registrations were received. If you are here this
23 afternoon but may not plan to speak until either
24 this evening or tomorrow, you may indicate that
25 and we will keep those lists going. The purpose

1 of this is basically to make sure that everyone
2 gets the opportunity to speak, and once everyone
3 has had an opportunity to speak, then we'll be in
4 a better position to allow people to speak a
5 second time if they wish. So we will call you to
6 speak in the order in which we received
7 registrations for the particular session.

8 Just some simple ways of doing business with
9 one another, again in the interest of making sure
10 that what gets said is what needs to be said and
11 that everyone has a chance to hear and attend to
12 those things, we ask that people speak one at a
13 time. I'm sure it goes without saying, but we
14 would invite you to be particularly conscious of
15 being respectful of other people's opinions and
16 ideas. We may disagree on opinions and ideas. We
17 try to avoid attacking other people. So please
18 practice candor and kindness so we will try to
19 avoid personal attacks. We also invite you, given
20 the fact that there are a lot of people here who
21 wish the opportunity to speak, to be very
22 efficient with language and with time. If you
23 are, you know, very concerned about a particular
24 point and yet the previous two speakers have
25 already made that point, we ask you to consider

1 not making it again. We hope people will have
2 heard it, and just as kind of a simple courtesy,
3 we ask everyone to turn off cell phones and
4 pagers. If you can put it on vibrate, fine, or
5 get it off the table entirely. We also want to
6 try and restrict -- so that we don't have too many
7 different conversations going on, if you wish to
8 confer with others, perhaps you might want to take
9 that outside so that we can use the space in here
10 and make sure that everyone can hear. We did
11 fairly well this morning with reaching the back of
12 the room, but those of you who are in the back, if
13 at any point you can't hear, please let us know
14 and we'll make sure that there's sufficient
15 amplification or the speaker is close enough to
16 the microphone so you'll be able to hear. I'll
17 pass this on to my colleague, Elaine, for some
18 comments on our procedures.

19 MS. WALSH: Thanks, Malcolm. Okay, so this
20 afternoon is comment and question and answer
21 period, and I just would ask all of you to speak
22 into the microphone. It's sort of a funky
23 microphone so you need to speak close to it. Each
24 person that has signed up this afternoon will have
25 five minutes to ask a question or make a comment,

1 and if it's a question that you ask and the
2 question is directed at one of the applicant team
3 members, there will be a total of ten minutes
4 allotted for the interchange. So you can ask
5 multiple questions, but there just will be a time
6 limit, and that's to allow everybody that wishes
7 to speak to have the opportunity to do so, and we
8 will keep pretty stringent or very stringent time
9 just to make it as efficient as possible.

10 All comments will be on the record unless
11 the speaker asks that their comments not be
12 recorded, and in a moment we'll go through the --
13 the Commissioner will have us go through the oath
14 again. We will repeat the oath. The speakers may
15 not yield time to other speakers. In other words,
16 if you've signed up to make a comment and your
17 comment is only two minutes, it's not appropriate
18 for you to say and I'd like to yield my remaining
19 three minutes to another person. If that person
20 wants to speak, they need to sign up
21 individually. If the Commissioner feels the
22 proceedings are getting out of control, the
23 facilitators will work with everybody in the room
24 to maintain civility and a productive tone to this
25 meeting. So we don't anticipate that this will

1 happen, but if, in fact, the unanticipated happens
2 and the meeting gets out of control in some way,
3 the Commissioner does have -- will cease the
4 proceedings if she deems that appropriate. So in
5 other words, this afternoon we will -- we have
6 allotted -- we have 14 people signed up right
7 now. We have 140 minutes for people to speak so
8 we're right on target with our time. I anticipate
9 not everybody will take the full ten minutes so we
10 may have some additional time at the end to allow
11 for more questions. I think that's all I needed
12 to do. We will do the oath at this time, and then
13 I want to -- Peter Maher had asked that he have
14 several minutes at the beginning to just make a
15 clarifying point, and then we will begin the
16 question and comment period. So I really
17 appreciate your attendance. We're glad you're
18 here. We want to hear from you. This is being
19 recorded. There is a court reporter. So let's
20 make this a productive afternoon.

21 COMMISSIONER GALLAGHER: I'll ask that if
22 you testified earlier this morning or if you want
23 to testify this afternoon and this will be under
24 oath, if you would please stand and raise your
25 right hand, everybody that expects to testify.

1 I'm going to ask you to state your name, I, state
2 your name, swear that the testimony I'm about to
3 give is the truth, the whole truth and nothing but
4 the truth.

5 (Whereupon, the witnesses are duly sworn in.)

6

7 COMMISSIONER GALLAGHER: Thank you.

8 MR. BURSON: Again, left over from this
9 morning's session for those of you who weren't
10 here, Peter Maher asked the opportunity to clarify
11 one of his responses to a question.

12 MR. MAHER: Thank you, Malcolm and Elaine.
13 In the interest of being accurate, one of the
14 questions that was asked had to do with the
15 splitting of samples and getting duplicate results
16 or basically splitting of samples between the
17 operator of the landfill and independent parties,
18 and I mentioned that the Bangor Water District was
19 splitting samples of leachate from the Hampden
20 landfill which is not completely accurate, and I'd
21 like to clarify that point. What happens actually
22 is that the operators of the Hampden facility will
23 take three samples and have those samples analyzed
24 at an independent lab. The Bangor Water District
25 takes the fourth sample to corroborate that data.

1 So there's actually four analyses done per year.
2 The Casella people or their agents perform three
3 and the Bangor wastewater treatment plant people
4 take one sample and have it analyzed on their own,
5 and that data has corroborated itself such that
6 the data is very consistent and the data generated
7 by the Bangor wastewater treatment plant is
8 consistent with the other data that's been taken
9 by the Casella people. That's it. Thank you.

10 MR. BURSON: We're ready to proceed with
11 those who have indicated an interest in speaking.
12 When you approach the microphone, please say your
13 name and your organization and our recorder may
14 ask you to spell that just to make sure that we
15 have it right. You will have five minutes of your
16 own air time. We will -- Elaine I guess for this
17 first round will indicate when you have one minute
18 left. The first person who has expressed an
19 interest in speaking is Carol MacMillan. Is she
20 here?

21 MS. MacMILLAN: Hi. Am I close enough?
22 Okay, I would like -- my name is Carol MacMillan.
23 I'm from Penobscot for the last year, having moved
24 from Bethlehem, New Hampshire. We had a landfill
25 there, by the way, just for point of interest. My

1 question is about the ash coming from Biddeford.
2 I would like to know who is going to test the ash
3 because it can often contain heavy metals,
4 according to my son who is a scientist. That's my
5 first question, who is going to test the ash
6 coming in from Biddeford?

7 MR. GILBERT: Tom Gilbert. Basically all
8 the generators are responsible to analyze their
9 own waste, and I think Cyndi Darling may be able
10 to clarify this, but I believe there is quarterly
11 analysis required on the ash for the Maine
12 incinerators?

13 MS. MacMILLAN: For the 310,000 tons
14 there's three tests, is that what you said?

15 MR. GILBERT: I think you're getting that
16 figure confused with --

17 MS. MacMILLAN: Well, that's the figure
18 they gave earlier.

19 MR. GILBERT: That's not related to ash.

20 MS. MacMILLAN: Well, I thought it was. We
21 could look at the record later I guess.

22 MR. GILBERT: But four times a year it will
23 be analyzed by the generator.

24 MS. MacMILLAN: I see. A question relating
25 to the ashes, does the DEP have authority to

1 co-test, to monitor it the same as Casella
2 Corporation?

3 MS. DARLING: Cyndi Darling. The
4 Department has the ability to do ash sampling. We
5 did that when the incinerators started up, as I
6 remember it. The body of data for the Maine
7 incinerators is quite large and the samples tend
8 to be fairly consistent at this point. I have
9 been at PERC when sampling has been done.

10 MS. MacMILLAN: Okay, and that's done three
11 times a year? Three times a year, is that what's
12 planned?

13 MS. DARLING: It's actually not -- it's not
14 like water quality sampling. It's called
15 composite sampling, so you take samples and then
16 they all get composited and then you get a sample
17 out of the several composite samples. So it's
18 quite different than water quality sampling in
19 that regard.

20 MS. MacMILLAN: Well, that makes me feel
21 better. The DEP is looking into this and taking
22 care of it. I feel better that the DEP is taking
23 care of this, to know that this is going to
24 happen. Hopefully it will continue, is that
25 correct?

1 MS. DARLING: We do pay careful attention
2 to the ash sampling.

3 MS. MacMILLAN: Okay, thank you very much.

4 MS. WALSH: Do you want to stand at the
5 podium because it's really set up for people to
6 speak at the podium, so if you want to direct your
7 questions.

8 MS. MacMILLAN: Okay. I was giving people
9 an advantage.

10 MS. WALSH: I know.

11 MS. MacMILLAN: I had another question
12 about expansion, and I was wondering what happens
13 if the town or the state will not allow
14 expansion. In the past, Casella Corporation has
15 sued a lot of towns. Will you do that to Old Town
16 if they refuse expansion, or do you know at this
17 point? You just can't answer that, can you?

18 MR. MEAGHER: I really can't answer the
19 hypothetical of what might occur in the future.

20 MS. MacMILLAN: Well, can I ask you a yes
21 or no?

22 MR. MEAGHER: Yes or no to what?

23 MS. MacMILLAN: Okay, yes or no, you have
24 been aware of these lawsuits that have been
25 imposed on the townspeople in various towns

1 throughout New England?

2 MR. MEAGHER: Oh, sure, we've had lawsuits
3 in two communities that attempted to put us out of
4 business.

5 MS. MacMILLAN: Well, let me say this. The
6 townspeople have a difficult time raising the
7 money to hire the attorney which Casella
8 Corporation can well afford to pay. Have I made a
9 point?

10 MR. MEAGHER: When a town seeks to put us
11 out of business, we're going to defend ourselves.

12 MS. MacMILLAN: It isn't a matter of
13 seeking to put you out of business. They're
14 looking to the future to what you might do to
15 them. They want to take a precaution. That's it.

16 MS. WALSH: Okay. So the next person
17 that's signed up to make a comment or ask a
18 question is Marcia Cleveland.

19 MR. DOYLE: This is the second time.

20 MR. BURSON: No. We said that this
21 morning. The session this morning was a thing
22 unto itself because it was mostly a question and
23 answer format. We were not taking slips this
24 morning. So this is the comment period and this
25 is the first time that Ms. Cleveland has had the

1 floor during the comment period.

2 MS. CLEVELAND: I'm Marcia Cleveland. I'm
3 an attorney for We The People, and I do have
4 comment. In those are one question that I
5 attempted to answer earlier -- to ask earlier in
6 the day, and we ran out of time this morning as
7 you'll recall. First of all, I would like to
8 reiterate our objection to the procedures. There
9 are several things that are wrong with this
10 hearing that's not a hearing. The first is it is
11 governed by Federal law. Federal law requires a
12 hearing on 45 days notice. We certainly have not
13 had 45 days notice. The Federal regulations
14 governing hearings are clear that the purpose of
15 that is to give those who are concerned or want to
16 comment adequate time to get up to speed on the
17 technical aspects of the case. That has not been
18 allowed here. I think that's unfortunate because
19 if the state had not been so committed to
20 preventing a full adjudicatory hearing and had
21 started from the beginning with the notion that
22 one would be held, you probably could be done by
23 now. So if there's any delay caused by the fact
24 that this is not a proper hearing, I think that
25 that is -- you have to recognize that is your

1 choice. You imposed that delay on yourself. In
2 1993, the original hearing only took two days and
3 it was a full adjudicatory hearing with cross
4 examination of expert witnesses. I think the
5 amount of questioning you've gotten so far
6 indicates that there's a lot in the expert
7 testimony that supports the application that needs
8 to be probed, explained. Some of your
9 explanations will make problems go away, some of
10 them I think, as you saw this morning, will bring
11 to light problems that require further inquiry.
12 That's the point of having an adjudicatory hearing
13 in which your experts can be questioned.

14 That brings me to my one question, if that's
15 permitted. Am I permitted to ask one question in
16 here? As I listened to Mr. Sevee's explanation of
17 what's understood by the groundwater flow regime,
18 it seemed to me that the following -- I draw the
19 following conclusion, so correct me I'm wrong.
20 Groundwater flows generally southwest, on the
21 southwest border of the existing landfill is where
22 the stream and the freshwater wetland is located
23 approximately 300 feet from the boundary. That is
24 also the area of the site that is the lowest
25 elevation and in the area of the lowest elevation,

1 the hydrogeological gradient is up. Does that
2 mean that the water goes down, goes level and
3 comes back up in the wetland and in the stream or
4 very close to it? Is that roughly what happens?

5 MR. SEVEE: John Sevee. A portion of that
6 water comes up before it gets into the stream and
7 wetland between the toe of the landfill and the
8 stream and another portion comes up underneath the
9 stream.

10 MS. CLEVELAND: Okay, thank you. Given
11 that answer, it seems to me that the upward
12 gradient which was initially offered as a reason
13 why this was a good site is quite the contrary.
14 Yes, it means that any pollutants that get into
15 the groundwater are unlikely to go deeper into
16 groundwater, that is if they haven't already gone
17 down into the fractured bedrock but at the price
18 of those same pollutants going into stream or into
19 the wetland. That I assume is part of the reason
20 why DEP has requested additional sampling to
21 answer what happened with the samples that
22 indicated there was some leachate and tried to get
23 a further explanation of that. With respect to
24 the visual impacts, as I quickly read the studies,
25 and again you can correct me if I'm wrong, the

1 visual impacts have really only been analyzed from
2 Route 43. The gentleman earlier this morning said
3 that he can already see the waste at 20 feet high,
4 and they're allowed to go to 190 feet. Has anyone
5 assessed whether or not those visual -- that
6 mountain when it reaches 190 feet will be able to
7 be seen from wildlife refuge that's not very far
8 away from the site because that's what's relevant
9 under the visual regs. Habitat impacts --

10 MS. WALSH: Marcia, I just want to remind
11 you that you have one minute. I accommodated a
12 little bit of time for the responses, but you have
13 five minutes, they have five minutes, a maximum of
14 ten minutes.

15 MS. CLEVELAND: All right, I'm sorry. I
16 didn't understand it that way, okay. Okay, it's
17 also obvious you didn't look at habitat impacts,
18 and I assume that's because -- or assuming you've
19 got fast-track consideration where you don't have
20 to look at siting issues like habitat, given the
21 initial license suggested that habitat values
22 could change, I think that's a major error.

23 My final comment would be I'm sure you're
24 very much aware that your whole effort to get this
25 amendment through fast turns on getting a court to

1 subsequently accept the Department's
2 interpretation of the word expand. Everything
3 hangs on the word expand. If the Department's reg
4 turns out to be inconsistent with state statute,
5 then you're going to have to go back to square one
6 and handle this amendment just the way you're
7 going to have to handle the application for the
8 true expansion by everybody's definition. Given
9 that, I would suggest that you seriously consider
10 putting the two of them together, doing them at
11 once and giving full consideration to the
12 cumulative impacts of what you're proposing.
13 That's it.

14 MS. WALSH: Okay, the next person -- do you
15 want to make a comment?

16 MR. DOYLE: Isn't the rule that we get a
17 chance to respond to the comments?

18 MS. WALSH: Yes.

19 MR. DOYLE: How many minutes do I have?

20 MS. WALSH: Five.

21 MR. DOYLE: First of all, with respect to
22 your point, Ms. Cleveland, about Federal law
23 requiring 45 day notice of this public meeting,
24 that is incorrect. Federal law does not govern
25 this proceeding. This is a DEP State law

1 proceeding. We've responded in full to many of
2 the points that you've just made in a submission
3 to the Department, and one that's probably in your
4 office today, Friday afternoon. So you could
5 review the responses there. In addition, you
6 mentioned that there was a greater opportunity for
7 -- or there was a full adjudicatory proceeding
8 with expert witnesses in 1993. I don't think you
9 participated in that proceeding, but I did and,
10 frankly, given that this is the third public
11 meeting in this process, there are far more hours
12 of opportunity for the public to comment on this
13 amendment application than there ever were back in
14 1993. There was a question about visual impact,
15 Dennis, I'd like you to respond to or the comments
16 related to whether you only looked at visual
17 issues from Route 43 and whether there was an
18 impact on the wildlife refuge.

19 MS. CLEVELAND: Excuse me, can I at this
20 point ask for a procedural ruling? They reserved
21 15 minutes of their original time to rebut at the
22 end. Are they going to be allowed to have equal
23 time in response to every comment or is that using
24 up their 15 minutes they reserved?

25 COMMISSIONER GALLAGHER: Once again, I want

1 to be really liberal about what we accept in
2 here. I think it's fair -- for example, I was
3 left with the question about the visual impacts,
4 and I think it's fair that where you have a
5 question, they can respond. I don't think it's
6 necessary necessarily to have them comment upon
7 your comments. So let's leave it -- for example,
8 I am interested in the visual impact question, and
9 I would like to hear that.

10 MS. CLEVELAND: I guess I would just say as
11 long as it does not have the effect of limiting
12 the true public comment.

13 COMMISSIONER GALLAGHER: I agree with that.
14 I agree with that.

15 MR. DOYLE: Dennis Jud, our visual impact
16 person.

17 MR. JUD: Hello, Dennis Jud here. We, as
18 part of this process, looked at the -- all the
19 roads and all the public viewing places within --
20 beyond a five-mile radius of the facility to
21 identify whether or not the new height would be
22 visible, and we concluded that it would not be
23 visible from any additional viewpoints. It was
24 again corroborated by DEP's peer reviewer. Which
25 wildlife refuge were you referring to?

1 MS. CLEVELAND: Hirundo.

2 MR. JUD: Anything -- I did not look at
3 that wildlife refuge. Any area anywhere that has
4 -- everything I did look at was buried in canyons
5 of trees, any roads or any other public place. So
6 the closer you are to any vegetation, the more
7 difficult it is to see, and within a wildlife
8 refuge, visibility outside that would likely be
9 not possible.

10 MR. DOYLE: John Lortie --

11 MR. BURSON: One minute.

12 MR. DOYLE: -- response to the habitat
13 impact question.

14 MR. LORTIE: I'm John Lortie. I'd just
15 like to clarify that as part of the original
16 investigation for the ten years subsequent to
17 that, one of the most extensive habitat
18 evaluations was performed on this piece of
19 property. That included over a thousand hours of
20 on-site observation, and we looked at everything
21 from wetlands of special significance to the
22 occurrence of rare, threatened and endangered
23 species, wading birds, waterfowl, and it was very
24 complete and that is documented well in the
25 written record.

1 MR. BURSON: Thank you. The next person
2 who expressed an interest in speaking is John
3 Lord. Is he here?

4 MR. LORD: My name is John Lord. I'm the
5 city manager here in Old Town. As a former
6 planner, you realize that I'm seriously
7 handicapped with a five-minute limit; however, now
8 that I've let the cat out of the bag that I'm a
9 planner, all the technical people in the room all
10 relax because they know I can't ask them any
11 searching questions. The city obviously has been
12 a bystander and a party to a lot of the
13 deliberations here, and we just wanted to go on
14 record as addressing a couple of the issues that
15 are central to the technical application and if
16 you will excuse me if I meander a little bit and
17 touch on some of the other aspects of the process,
18 but I'll try to be brief.

19 This whole process has had a range of issues
20 that are very complex, and we don't profess to
21 have all the answers. We don't have the technical
22 or political or philosophical answers to all
23 questions; however, given the number of
24 individuals and organizations, including the
25 various state agencies and ad hoc groups forming

1 around the issue, we do feel that we should make
2 some comments. This process has led to a lot of
3 legitimate concerns on the part of citizens and
4 folks from the area, some that have necessitated,
5 if you will, generated some rather heated
6 opinions. We've had a lot of inquiries into both
7 the process and the project. Local government has
8 been somewhat caught in the cross-fire of this
9 process as we are a party and not a party to many
10 aspects of it, and while I cannot speak for the
11 individual city counselors, I think I do have an
12 understanding of many of the counselors' concerns
13 and many of those issues which are important to us
14 as a city.

15 First and foremost, we cannot forget the
16 need to address the area's solid waste
17 infrastructure needs. I won't dwell on that, but
18 simply say that that is an issue, and one that
19 we're very well aware of as being in the business
20 of handling this kind of waste as well as
21 delivering other services.

22 Secondly, the city is vitally interested in
23 the survival of our local manufacturing
24 enterprises, both for the provision of jobs that
25 they give the area and selfishly to maintain the

1 city's property tax base.

2 Thirdly, the city shares the concerns of
3 many for the protection of the public health, the
4 natural environment and the impact on property
5 values for those directly impacted by activities
6 on the landfill site. My assessment of these
7 issues, for what it's worth, and I am speaking
8 personally but as a city manager, are the
9 following: the solution to the regional solid
10 waste disposal problem is as good as it gets,
11 quote, unquote. That won't be shared by everyone,
12 I'm sure, that opinion. It's not perfect. In a
13 more perfect world, we'd recycle a hundred percent
14 of everything we generated and we wouldn't have
15 the problem or we would be able to convert the
16 many compounds and materials that we gather up
17 into some kind of spaceless, weightless, harmless
18 gas or whatever. Unfortunately, the technology
19 which is available is the technology that we must
20 use. I'll follow up on that in a second.

21 MS. WALSH: John, I just want to remind you
22 that you have one minute.

23 MR. LORD: Okay. The concerted efforts of
24 many of the parties here to provide assistance to
25 our local industry is truly remarkable, and the

1 mill itself has certainly done a magnificent job
2 in reducing costs and in making an effort to
3 survive in the environment they operate in. Are
4 there guarantees? No, there are no guarantees.

5 Finally, as to the impact issues, we have to
6 put our faith in the expertise of the review staff
7 at DEP and the engineering profession in general
8 to see to it that the state-of-the-art techniques
9 that are used here and that the activities on the
10 site are monitored. I said faith. I didn't say
11 blind faith. So we certainly need to have local
12 vigilance as this process goes forward. A final
13 note, we're confident that the process to develop
14 a host community agreement will provide adequate
15 benefits to the city to offset municipal expenses
16 over the lifetime of the facility, and we are
17 confident that we can work with the DEP, State,
18 the operator, whomever that is, to make this
19 process work going forward. Thank you for your
20 time.

21 MS. WALSH: Tom, did you want to make a
22 comment?

23 MR. DOYLE: No.

24 MS. WALSH: So the next person that's
25 signed up is Pamela Bell. If I could just remind

1 you to state your name and where you're from,
2 Pamela.

3 MS. BELL: My name is Pamela Bell, and I
4 live in Milford. I have a couple of questions
5 regarding the existing landfill. That original
6 license that was granted by the BEP was amended in
7 '95 or '96 so that instead of just having
8 Georgia-Pacific waste or Fort James waste, it was
9 also to include ash from Lincoln Pulp and Paper.
10 My understanding of that process was that the
11 reason for the ash was that the sludge was very
12 wet and slippery, and too wet and slippery to be
13 stable. So a change was made and a pilot project
14 was done to stabilize that pile to keep it from
15 slipping -- and you can correct me if I'm wrong --
16 to keep it from slipping as in a landslide when
17 slippery, wet stuff slides off outside the
18 licensed cell. I assume that the same engineers
19 who had designed it for Fort James' use also were
20 consulted on that change, and these are the same
21 design engineers who have designed this one. If
22 I'm right about my take on that, then I wonder how
23 right the engineers are this time around and if
24 we're likely to have that sort of a problem
25 arising. Don Meagher, I have your Form 10-K

1 submitted to the Securities and Exchange
2 Commission, and you do describe your business in
3 quite some detail. There's a -- a statement in
4 here about -- a lot about your facilities, and you
5 have landfills and you do testing, and you do make
6 a statement here where you say you do not have --
7 well, let me just read it. Leachate generated at
8 the company's landfills and transfer stations is
9 tested on a regular basis and generally is not
10 regulated as a hazardous waste under Federal or
11 State law. In the past, however, leachate
12 generated from certain of the company's landfills
13 has been classified as hazardous waste under State
14 law and there is no guarantee that leachate
15 generated from the company's facilities in the
16 future will not be classified under Federal or
17 State law as hazardous waste. My comment about
18 leachate and what I learned about it is that the
19 leachate that seeps out of a hazardous waste site
20 is pretty much indistinguishable from the leachate
21 that leaks out of a municipal waste landfill.

22 I would just like an update also on the
23 lawsuit brought against Casella by the town of
24 Saco.

25 MS. WALSH: Pam, we have about one more

1 minute. So do you want to wrap it up?

2 MS. BELL: There's been a lot of confusion
3 for those of us who are trying to figure out
4 exactly what's going on here and why. I
5 understand that the intent of that 1989 law was to
6 prevent anymore commercial landfills and one of
7 the reasons for that was to keep out-of-state
8 waste out of state. It looks like we have defined
9 things such that it's kind of a roundabout thing
10 and if it comes in from out of state, it's going
11 to be called Maine waste and it's going to be
12 buried in this landfill which is not supposed to
13 have out-of-state waste. So my question is, you
14 know, in fact, we have very early on
15 communications from Jack Cashman whose talking
16 points when the Governor came to town to say what
17 a good deal this was going to be for everyone that
18 this was going to be operated in the future as a
19 commercial landfill. I'd like clarification on
20 that term as well.

21 MS. WALSH: Thanks, Pamela. I'll let you
22 guys take some time.

23 MR. DOYLE: Since there were a few
24 questions there, the first one related to slippery
25 waste and whether that's going to be a problem. I

1 think Rich Wardwell is probably the best one to
2 answer that.

3 MR. WARDWELL: I'm Rich Wardwell,
4 consulting engineer. The behavior of the Fort
5 James sludge was unanticipated in regards to the
6 magnitude of the reduced shear strength and the
7 slipperiness of that when brought to the West Old
8 Town landfill initially. The reasons for that is
9 that their existing landfill they were using
10 beforehand used a lot of gravel to help bulk up
11 that material and keep it strong. The major
12 principles that guide the degradation of the
13 fibers in paper mill sludge has been known for
14 quite a while. The degree of impact on the
15 strength characteristics of that sludge was more
16 dramatic with this material than any others.
17 That's been compensated for. The same approach --
18 and that was the reason initially why I was
19 retained in 1999 to evaluate the strength of this
20 based on my background and studies dealing with
21 the effects of fiber decomposition on the strength
22 of this material. For this application, that
23 material is going to be mixed at a very low
24 percentage with the other incoming waste streams
25 so that that shear strength reduction will not

1 occur and that it will maintain its strength very
2 similar to what occurred in the previous landfill
3 in Milford where they used gravel.

4 MR. DOYLE: The next question related to
5 leachate and whether it will be a hazardous waste,
6 and the leachate from this facility is monitored
7 on a quarterly basis and is tested. Those results
8 go to the Maine Department of Environmental
9 Protection, and they've always tested out to be
10 nonhazardous waste, and they'll continue to be
11 monitored on a quarterly basis so that will not be
12 an issue. Although not relevant to this
13 proceeding, there's a question about update on the
14 lawsuit brought by the town of Saco. My partner,
15 Chip Ahrens, is involved in that lawsuit so I'll
16 let him answer that question.

17 MR. AHRENS: Chip Ahrens from Pierce,
18 Atwood. That lawsuit is currently in the
19 discovery stage. There's an approximately 60-day
20 stay in the discovery at this point to allow Saco
21 and Biddeford, who are the remaining plaintiffs in
22 that case, to negotiate with Casella and a series
23 of negotiation sessions are being arranged right
24 now.

25 MR. DOYLE: And then finally there was a

1 question, I believe it was for State Planning, of
2 whether this would ever be operated as a
3 commercial landfill.

4 MR. MacDONALD: George MacDonald. I can't
5 speak for Mr. Cashman. Discussions around that
6 point were that the State would own the facility
7 but as envisioned in the early days of the
8 statute, 1989, the State would own the facility
9 but would hire a private contractor to operate the
10 site itself. It was in that way he meant the
11 facility would be commercially operated. The
12 State would not operate it. We would hire someone
13 to do it.

14 MS. WALSH: Does that conclude for you
15 guys? Okay. Lloyd Townsend, please. State your
16 name and where you're from.

17 MR. TOWNSEND: My name is Lloyd Townsend.
18 I work for GP. I wasn't going to make much
19 comment but I've heard a lot of rhetoric, a lot of
20 statements stated as fact that I kind of question
21 so I'm going to ask a couple questions. I've
22 heard that there's a test which indicated that the
23 liner is leaking. I was to understand that the
24 liner is not leaking, and I'd like it to be a
25 matter of public record that everybody here knows

1 that it's not leaking and could somebody tell me
2 that it's not?

3 MR. DOYLE: John Sevee, would you like to
4 respond to the question?

5 MR. SEVEE: John Sevee. As I mentioned in
6 my testimony earlier this morning, some tests were
7 run under the auspices of the DEP to examine the
8 groundwater downgradient of the existing landfill
9 cells that did not indicate that the landfill
10 liner was leaking. So the landfill liner, as far
11 as we know, is not leaking.

12 MR. TOWNSEND: Thank you.

13 MR. WALSH: And the DEP would also like to
14 respond to that.

15 MR. BEHR: My name is Dick Behr, and I'm
16 project geologist for this site, and I would
17 confirm that a total of five monitoring wells were
18 installed between the leachate lagoon and the
19 lined landfill facility, and those wells were
20 sampled on a couple of occasions, and the data
21 that we collected from those wells indicate that
22 that landfill liner system is working properly.

23 MR. TOWNSEND: Okay, thank you. Second, I
24 heard somebody say that your liner is old
25 technology. Is that simply because you haven't

1 come up with anything better? You haven't
2 invented a better wheel?

3 MR. MAHER: Pete Maher. As I stated
4 earlier, the liner technology we're using today is
5 the same technology we essentially used five to
6 ten years ago, and it has not been improved upon.
7 The liner that's being -- that will be constructed
8 out there is -- is the --

9 MR. TOWNSEND: Well, I guess my question
10 would be, is there no need for new technology on
11 it? It's sufficient?

12 MR. MAHER: Well, the liner that's being
13 used today is sufficient and it's a workable and a
14 high technology type of a liner system.

15 MR. TOWNSEND: And third would be a comment
16 that someone stepped up and they asked that you
17 redo this process properly, and in doing so, you
18 would delay the permit and if you delay the
19 permit, basically this becomes a non-issue for a
20 person such as myself. I'm a GP employee. I want
21 to keep my job. In order to keep my job, we need
22 this landfill, and I'm in support of this
23 landfill.

24 MS. WALSH: Are you guys all set? No need
25 for comment. Okay, so Chris Lommler is the next

1 person, and again, Chris, I'd ask you to state
2 your name and where you're from, please.

3 MS. LOMMLER: My name is Chris Lommler, and
4 I'm from Old Town, and I'm going to be really
5 brief because I asked my questions this morning,
6 and although I'm not thrilled with some of the
7 answers, I did take up some time. So basically
8 I'm real frustrated that this important
9 environmental issue that will last this town and
10 this state hundreds and hundreds of years of
11 possible pollution is tied to whether or not
12 Georgia-Pacific hires back employees. That's
13 unfair for the State of Maine to put the people in
14 this state in that situation. We don't want our
15 friends and neighbors to lose their jobs, but we
16 don't want our children to be born with birth
17 defects either, and we don't want to expand an
18 already possibly leaking landfill. There will be
19 other people who will address the issue of
20 possible leaks far better than I could, but I
21 still feel that there is enough possibility there
22 that we should stop, take a better look. People
23 at Georgia-Pacific have no guarantee that
24 Georgia-Pacific will stay open and continue to
25 give them their jobs if we do expand to 390 feet

1 high of trash, toxic waste, building materials,
2 dioxin-producing projects. There's no guarantee
3 that anyone has a job. I wish there was a
4 guarantee that they could have their job somehow
5 but there's no guarantee. The state didn't ask
6 Georgia-Pacific to give a guarantee when they gave
7 them 28 million dollars. They didn't ask for a
8 guarantee for our jobs for our neighbors. Thank
9 you.

10 MS. WALSH: Are there any responses? Brita
11 Forssberg, and again state your name and where
12 you're from, please.

13 MR. FORSSBERG: My name is Brita Forssberg.
14 I'm an attorney from Portland, and I was hired by
15 the Alton Board of Selectmen to help them work out
16 a community benefits agreement with Casella and
17 also to just look over the draft order that the
18 DEP issued. I had one quick question first. I
19 was wondering how the transcription will be made
20 available.

21 MR. DOYLE: I didn't arrange for it.

22 MR. BEHR: I'm assuming we can have this
23 done and actually we've asked for an expedited
24 copy, so it would be part of the record. I'm
25 assuming we could send you a copy. It would be

1 available as part of the public record as well.

2 MS. FORSSBERG: That's not posted online?

3 MR. BEHR: No, it wouldn't be online.

4 MS. FORSSBERG: So if I make a request,
5 would there be a charge for it, do you know?

6 MR. BEHR: Yes. We'll have it probably in
7 a number of different spots. We have a couple
8 repositories. It will be down in Augusta. We'll
9 also have it in the Bangor office. So if you'd
10 like to come in and view it, you could do that.
11 If you'd like to make a copy, there would be a
12 small charge per page which is the normal
13 process.

14 MS. FORSSBERG: Okay, thank you. I just
15 wanted to make a comment on behalf of the town of
16 Alton. As I said, I've been working with them to
17 work out a community benefits agreement with
18 Casella, and Casella did make an offer to the town
19 to help offset some of the effects that the
20 landfill will have on the town of Alton. There
21 are many residential abutters who live in the town
22 of Alton and the entrance and exit to the landfill
23 is in the town of Alton. So Alton certainly has a
24 strong interest in what's going on in the Old Town
25 landfill. We're still in negotiations with

1 Casella and we're optimistic that we'll work out
2 something soon. One concern that we've had is
3 that the State Planning Office, although they've
4 been present at our negotiations, have not so far
5 been able to commit to being an actual party to
6 the agreement between Alton and Casella if one is
7 reached, and that is a concern to us because the
8 state is the owner of the landfill and yet has not
9 been willing or able to provide any guarantee to a
10 town like Alton that if something happens with
11 Casella, if they go bankrupt, if they, you know,
12 are terminated by the state, then what happens to
13 Alton and an agreement it has with Casella. So we
14 would just point out that there is a concern there
15 that the state is not seeming able to commit to
16 that, and the agreements I've seen between Casella
17 and the state don't allow anyone else to be a
18 beneficiary of those guarantees that Casella is
19 giving to the state. So they're not running to
20 Alton or to Old Town. So that's an issue I just
21 wanted to bring up. Do you want to comment?

22 MR. BURSON: Is there a response?

23 MR. DOYLE: Well, Brita, I'll tell you
24 publicly what I told you privately and that is on
25 behalf of Casella, we are committed to entering

1 into a community benefits agreement with Alton and
2 we will do so.

3 MS. FORSSBERG: Well, my concern really was
4 more addressed towards the State Planning Office
5 than to Casella.

6 MR. MacDONALD: George MacDonald. As I
7 promised I would, I have contacted the Attorney
8 General's office. I've explained the situation.
9 They have a copy of your draft response to what
10 was presented and they are reviewing it. I have
11 not received anything in writing from them. When
12 they do, I will share it with you.

13 MS. FORSSBERG: I have asked -- we've
14 discussed this, but as a minimum, perhaps the
15 state could guarantee that if something happens
16 with Casella, at a minimum the state would require
17 the next operator of the landfill to take up the
18 obligations that Casella has agreed to.

19 MR. MacDONALD: I have passed that desire
20 along to the Attorney General's office.

21 MS. FORSSBERG: Okay, thank you.

22 MR. BURSON: Thank you. The next person
23 who has indicated an interest in speaking is Lenny
24 Murphy. Is that person here? Thank you.

25 MR. MURPHY: Good day, folks. I appreciate

1 the attempt to pass opinion on and a little food
2 for thought as well.

3 MS. WALSH: Lenny, would you state your
4 name and where you're from?

5 MR. MURPHY: My name is Lenny Murphy. I'm
6 from the little town of Woodville. I'm basically
7 not here to point any fingers. I was born and
8 brought up in Millinocket and realize what can
9 happen to the paper industry. I put forward many
10 bills to our Federal government and State
11 governments to improve things, and I want to offer
12 a few suggestions quickly here that can hopefully
13 give us a ladder into the future instead of a
14 downhill slide as we attend -- apparently appear
15 to be going today in several different areas in
16 our little planet. We sort of mentioned the
17 height of the area affected will be raised to
18 quite an extent, and I was just wondering a quick
19 question, the original liner was designed for a
20 low head on the dump site, and I was just
21 wondering what the impact is going to be if you
22 get up two or three times higher with the pressure
23 on it, the thing is going to kind of squat out.
24 We are in the State of Maine, a lot of freezing,
25 frost action, and I know a little bit of

1 hydrology. I have a state-approved subdivision
2 myself and water kind of tends to go where it
3 wants to and to attest to that, there's a spring
4 hole on the top of the Mt. Katahdin, and one quick
5 thought on the drilling the test wells, I was in
6 testifying on a federal issue with our nuclear
7 dump type situation and brought up the fact that a
8 lot of the drill test holes can actually cause
9 problems because once you get a little
10 contamination in that one, it's going to
11 contaminate all the waters around it. So I would
12 think the way to go in the future was to test with
13 an excavator or surface-related testing instead of
14 going to the deep well. Once that is
15 contaminated, obviously it's going to breach the
16 entire area. So why look for problems and it
17 costs a lot more to drill wells than to dig with
18 an excavator once in a while to see what's
19 happening. One quick thought, I will offer an
20 emergency bill to our legislature and I was
21 wondering if the DEP could possibly do the same.
22 We realize there's a problem with certain
23 contaminants coming into the dumps that aren't
24 legally supposed to be there, and we can file a
25 record from the Great Northern dumps to attest to

1 this. Out-of-state trucks coming in, bulldozers
2 getting rotted away so they had to be replaced,
3 and we won't talk about the health of the person
4 that was running the bulldozer that was forced to
5 level this material. What we need is monitoring
6 of every truck coming in by a local group that's
7 going to be totally objective. Every truck should
8 be tested for its ash content. We can't let
9 anything slip in that's going to come back and
10 haunt us in the future. We can't let economics
11 and I hate to say capitalism doesn't have a moral
12 backbone to it, but with all our jobs going south
13 into other countries, they don't want to hire
14 people and pay the insurance. The dollar is the
15 bottom line. So we have to get money out of the
16 dump business, profit out of the dump business and
17 maybe get our kids in school where the DOT is
18 asking them now to do color crayon competitions,
19 why not have the kids in science class compete to
20 see what the manufacturing industries can develop
21 to keep things from getting to the landfill, egg
22 crate packaging that can go onto the shelves, back
23 to industry, back to the shelves again.

24 MR. BURSON: One minute.

25 MR. MURPHY: That basically wraps up. I'm

1 usually a five-minute person. There you're not
2 pointing the finger and offering solutions that
3 can hopefully bring us into the future, and I will
4 offer some of these and other solutions to our
5 legislature to accommodate and facilitate this
6 action to happen. Any questions? Thank you for
7 your consideration.

8 MR. BURSON: Thank you very much. Tom,
9 you'd like to respond?

10 MR. DOYLE: Well, there was one question,
11 Mr. Murphy, and that was pressure on the liner
12 from the height increase. I think we answered
13 that this morning, but John Sevee would be the
14 most appropriate person.

15 MR. SEVEE: John Sevee again. As I
16 mentioned in the testimony earlier this morning,
17 it will not have an effect on the groundwater
18 behavior beneath the landfill, and from a
19 structural standpoint, the impact on the liner
20 system components will not have any damaging
21 effects on those either.

22 MR. BURSON: Thank you.

23 COMMISSIONER GALLAGHER: I just wanted to
24 follow up on Mr. Murphy's suggestion about not
25 just using deep well monitors but excavation, and

1 I wondered if anyone had a comment about that?

2 MR. SEVEE: Yes, John Sevee again, and
3 maybe Dick Behr might also want to add something
4 to this, but the monitoring well technology is a
5 fairly well-proven technology. That's not to say
6 that in certain instances with old water supply
7 wells where the casing or the grout around the
8 well has decomposed that you can get
9 short-circuiting between a shallow groundwater
10 system and a deeper or vice versa, but the wells
11 that we install here are made out of plastic, and
12 they are sealed with a bentonite and that
13 construction prevents this short-circuiting
14 between different groundwater systems. They also
15 tend to have finite lives, typically ten to twenty
16 years, and they're generally abandoned by
17 excavation grouting and replacement with new
18 wells. So at least at this particular situation
19 at this site, there isn't an issue relative to the
20 design of those wells. Using excavation and so
21 forth, although if the problem is severe, it may
22 be useful, if you're looking for very small
23 changes in the water quality to act as an early
24 warning detection system, you wouldn't see that
25 with an excavation because of the disturbance

1 effects that would be created by an excavation.

2 So monitoring well technology allows us to get

3 very fine-tuned and look at the very subtle

4 changes in water quality long before a major

5 problem occurs which allows us plenty of time to

6 react if we need to.

7 MR. BEHR: Dick Behr once more. I would

8 agree with John completely. I would just add that

9 one of the additional reasons for using monitoring

10 wells versus trying to excavate to sample

11 groundwater at depth is it would be very difficult

12 for us to collect a discrete sample at 20 feet or

13 30 feet below the ground surface as we need to in

14 order to monitor groundwater downgradient of this

15 landfill. That's a critical aspect of using

16 monitoring wells and, two, you're able to install

17 monitoring wells at various depths as John

18 indicated with minimal disturbance, and that's

19 extremely important in putting together a plan and

20 carrying out a monitoring plan where we're going

21 out every three or four months to collect samples

22 so you know that your techniques for installing

23 the monitoring well hasn't caused changes in your

24 groundwater chemistry. The last thing I'd mention

25 is the business about contaminants getting into

1 the system, the monitoring wells that are used at
2 a site like this are locked so the only way we're
3 going to have problems is if someone vandalizes
4 the monitoring well and adds something directly to
5 it. It's a fairly safe way to monitor
6 groundwater.

7 MS. WALSH: I just want to remind folks
8 before we get to the next person that if anyone
9 has just walked in or has come in late to the
10 meeting, if you would like an opportunity to
11 speak, we may be able to fit a few more people
12 in. So if you would just go to Deb at the front,
13 she has the sign-in forms. That's the process
14 that we're using just to let you newcomers know
15 what we're doing. So the next person is Peter
16 Dufour. Okay, I'll put Peter at the bottom of the
17 pile and then I'll come back to him when we're
18 through with the folks that have signed up. So
19 Jeremy Robichaud, and, Jeremy, I'd just ask if you
20 would state your name and where you're from.
21 Thanks.

22 MR. ROBICHAUD: My name is Jeremy
23 Robichaud, and I'm from Old Town. I just wrote a
24 statement. I'll try and keep it under five
25 minutes. I realize --

1 MR. DOYLE: Speak up.

2 MR. ROBICHAUD: I realize that many of my
3 comments will lie outside the jurisdiction of any
4 one particular office; however, I'm trying to
5 maintain some sort of faith and a mutual desire to
6 fulfill our obligation to service in this world
7 and to each other, so it is my hope that hopefully
8 some of my comments will lie within the
9 jurisdiction of the human heart.

10 My interest has always been in environmental
11 philosophy and environmental ethics, a large
12 percentage of which consists of understanding
13 relationships between the environment, cultural
14 institutions, political economic structures and
15 individual. This is where, for whatever it's
16 worth, I believe I can offer something new to be
17 considered, and I believe that my heritage and my
18 youth makes me an expert in one relationship in
19 particular and that is the relationship between
20 public policy and the problem of youth exodus from
21 the State of Maine and how, in particular, this
22 landfill will contribute to those factors. The
23 first step to better serving our communities is to
24 better understand -- excuse me, is to understand
25 that our economic and political choices are, in

1 fact, moral choices. Philosophers as diverse as
2 Frederick Nietzsche, Heraclites and Mahatma Gandhi
3 all find commonality in one single truth, and that
4 is that there is no neutrality in our world, and
5 when we understand this and when we understand
6 that our message lies within our median, then we
7 know -- or I should say our obligation to our
8 higher duty becomes clear because at this point we
9 become not just politicians, not just economists,
10 and not just regulators but we are all, each and
11 every one of us, educators. We are like priests
12 presiding over a new and modern parish, and this
13 landfill is not merely an environmental statement
14 or an economic plan. It is a tangible, physical
15 indication of our fundamental values as clear as a
16 Buddhist statute, the Holy Cross or a Maori Hakka;
17 and, therefore, every dump truck load of poisonous
18 sludge will be like our cultural holy communion, a
19 clear statement of our faith and devotion to a
20 system of waste and profit. In other words, this
21 landfill is a moral statement and should be
22 considered such. Socrates famously said that the
23 first rule of philosophy is to know thyself. This
24 is critical because often our own prejudice and
25 belief lie -- our own prejudice and our own

1 beliefs lie hidden from our view and, therefore,
2 we are unaware of the values our actions may
3 impose unto others. This landfill proposal
4 embodies three major values, all of which will
5 contribute to the problem of youth exodus from
6 Maine. I'll outline those values here.

7 Value number one, Maine is a resource. It
8 is to be used and abused, if necessary, for
9 personal gain. This is a condition that
10 philosopher Martin Heidegger refers to as
11 objectlessness, that is, a state in which the
12 intrinsic value of a thing has been so stripped
13 away that it is not seen in any way as valuable
14 nor is it even seen as an object, but in terms of
15 only its functions for personal benefit. Like a
16 prostitute who reduces her autonomy down to her
17 sexual function, we have reduced our homeland down
18 to its crudest and most brute elements; thus, we
19 deny our --

20 MS. WALSH: Jeremy, one minute. Sorry,
21 that's the process. I apologize.

22 MR. ROBICHAUD: I understand. As Mahatma
23 Gandhi elegantly puts it, it is not possible to
24 conceive of gods inhabiting a land which is made
25 hideous by smoke and the din of mill chimneys and

1 factories and whose roadways are traversed by
2 rushing engines dragging numerous cars crowded
3 with men mostly who know not what they are after.
4 We cannot find divinity in a world and, therefore,
5 treat the world with divinity unless we allow for
6 that perception in our structured lives.

7 Value number two, monoculturalism is better
8 than community integrity; value number three,
9 corporate profit is more important than strong
10 regional democracy, and I'll just close by saying
11 what we're probably all aware of here but probably
12 haven't considered the significance and, that is,
13 that the word economy and the word ecology share
14 the same root, eco from the Greek meaning home,
15 which means both disciplines in their original and
16 most essential form were methods of maintaining,
17 empowering and building relationships within our
18 immediate sphere of influence. I'm sorry, I guess
19 my time is up. I had much more.

20 COMMISSIONER GALLAGHER: Jeremy, thank you
21 very much for your comments. I really appreciate
22 them, and I know they're heartfelt. I have two
23 questions for you. The first question is, is
24 there anything -- any way that you would accept a
25 landfill here and under what -- what would be the

1 major condition under which you personally would
2 accept it, and the second thing is, if there was
3 one thing that you would suggest we do to avoid
4 ever having another landfill, what would that be?

5 MR. ROBICHAUD: I'm not sure that's a
6 discussion we can have right here. Thank you for
7 your question, but I'm not sure I'm prepared to
8 answer it right now, and that doesn't mean that I
9 haven't considered the answer and that doesn't
10 mean that there aren't better solutions, it just
11 means that I just came from work and I'm
12 unprepared.

13 COMMISSIONER GALLAGHER: I'll give you a
14 call.

15 MR. ROBICHAUD: Please do.

16 MS. WALSH: Anybody else? Okay, the next
17 person that is signed up to speak or ask a
18 question is Kimberly Lommler Robichaud.

19 MS. ROBICHAUD: Hi. I'm Kimberly Robichaud
20 from Old Town, Maine. Okay, I have a bunch of
21 questions and then some comments as well, too.
22 First of all, regarding the landfill liner, what
23 is the warranty on the landfill liner and the
24 welds on the landfill liner; what is the cost of
25 replacing the landfill liner should something

1 unforeseen happen; and I guess that leads me to
2 the next question, what is the general remediation
3 plan of the operator if something is to go wrong.
4 Maybe they want to answer it at the end. I guess
5 my comment on that is just that I think it's
6 important that a remediation plan be in place for
7 both -- with both the operator and also for the
8 state because after the post-closure monitoring
9 and maintenance funds are done, it becomes the
10 obligation of the state, that's my interpretation,
11 and so the state must also put in place a
12 remediation plan of what actions they will take if
13 something unforeseen should happen such as a split
14 in the liner from a frost heave or somebody drives
15 over the liner and breaks it, so on.

16 My next questions are if a leak does occur
17 and it's imperative that the liner be replaced, is
18 it possible to do this while maintaining a safe
19 buffer from the adjacent wetland and what would
20 the DEP determine as a safe buffer to put a safe
21 buffer in between the waste and the wetland; would
22 post-closure and monitoring funds be sufficient to
23 replace a liner given the potential increased
24 costs required to avoid contamination of this
25 wetland by providing a safe buffer; given the

1 close proximity of the wetland, it would be very
2 difficult, if not impossible, to perform a cleanup
3 at this site without contaminating the wetland and
4 this contamination would undoubtedly threaten any
5 and all species living within this habitat,
6 including potentially endangered species. As far
7 as acceptable waste streams go, given that the
8 permit would allow Casella to accept at the West
9 Old Town landfill waste currently accepted by
10 Hampden --

11 THE REPORTER: Slow down, please.

12 MS. ROBICHAUD: Sorry. Well, we only have
13 five minutes.

14 MS. WALSH: Slow down and speak in the
15 microphone.

16 MS. ROBICHAUD: Yup. Given that the permit
17 allows Casella to accept waste -- to accept at the
18 West Old Town landfill the wastes that are
19 currently accepted in Hampden, if Hampden modifies
20 its allowable waste streams, will the West Old
21 Town landfill be automatically permitted to accept
22 those waste streams? If the EPA follows through
23 with the reclassification of low-level nuclear
24 waste as special waste, will the West Old Town
25 landfill be able to accept this type of waste or

1 will the waste stream be limited to the definition
2 of special waste at the time of the permit?
3 Okay. My other questions are, I would like
4 Casella to compare how long it takes for waste in
5 a dry tomb landfill to decompose as compared to
6 the same waste in a wet cell landfill, and I would
7 like them to address why they chose a dry tomb
8 landfill over a bioreactor landfill paired with
9 active gas harvesting techniques, including gas to
10 energy programs. My question for the DEP
11 regarding that was if the DEP has contacted the
12 EPA to investigate more environmentally-protective
13 measures to manage landfill gas. Sorry. I feel
14 it's the responsibility of the DEP to investigate
15 these technologies with the current information
16 available, and this must be done before the
17 permitting of the application. Okay.

18 MS. WALSH: Kimberly, again, if I could ask
19 you to slow down because you're asking a lot of
20 questions and these guys are frantically trying to
21 write so they can answer your questions
22 adequately. It will serve everybody best if you
23 would just slow down and you'll have additional
24 time to ask questions and comment later on.

25 MS. ROBICHAUD: Okay, I'm just worried

1 because I won't be here. I work tomorrow so I
2 won't be able to be here after today. Okay. Do
3 any of those questions need to be repeated? No,
4 okay. My question for Casella, does Casella
5 request that the city of Old Town purchase
6 environmental disaster insurance and how much does
7 this type of insurance typically cost? I believe
8 that environmental disaster insurance would cost a
9 lot of money for the citizens of Old Town;
10 however, without this insurance, I believe that
11 the cost of the cleanup would devastate the
12 resources of the city. Finally, does the DEP
13 consider the approval of this deal that would
14 leave a town with a large commercially operated
15 for-profit landfill and a biomass boiler and a
16 paper mill along with an increase in diesel truck
17 traffic with no emissions standards to these
18 trucks, do they consider this an active
19 environmental justice? I believe that the Maine
20 DEP does not have any laws regarding environmental
21 justice and because of this, towns like Old Town
22 are forced to suffer the consequences. The people
23 of Old Town didn't ask for a landfill to accept 80
24 percent of its waste from outside of the local
25 area. The people of Old Town were not asked if

1 they wanted to run the landfill, and they were not
2 asked if they wanted out of state waste or special
3 waste.

4 MS. WALSH: Kimberly, that's really all you
5 have.

6 MS. ROBICHAUD: All right. I'll have to
7 come back. Thanks.

8 MS. WALSH: Who wants to -- does anyone
9 want to start?

10 MR. DOYLE: I counted about 12 questions.
11 I don't think it's possible to answer them in five
12 minutes, but we'll do the best we can.

13 MS. WALSH: Yeah, let's just see how far we
14 get.

15 MR. DOYLE: The first three questions were
16 what is the warranty on the liner; what is the
17 cost of replacing the landfill liner.

18 MS. ROBICHAUD: The liner and the welds.

19 MR. DOYLE: You're adding questions now?

20 MS. ROBICHAUD: No, that was the question I
21 asked. I read strictly from here. So I said what
22 is the warranty on the landfill liner and welds on
23 the landfill liner.

24 MR. DOYLE: Wells on the landfill liner?

25 MS. ROBICHAUD: Yeah, the welds where they

1 meet.

2 MR. DOYLE: Oh, weld.

3 MS. ROBICHAUD: Weld. Because you don't
4 have an enormous sheet of plastic. You have
5 plastic that has to be welded together or fused
6 together.

7 MS. WALSH: Kimberly, you're welcome to
8 come up and clarify your questions as they are
9 being addressed.

10 MR. DOYLE: We understand now. The cost of
11 replacing the landfill liner and the welds on the
12 landfill liner and the general remediation plan,
13 Pete, do you want to take all three of those?

14 MR. MAHER: To answer Kimberly's questions
15 on the liner and its warranty and the repairs and
16 all that, I believe the warranty on the liner is
17 20 years, okay.

18 UNIDENTIFIED PERSON: Would you speak up,
19 please?

20 MR. MAHER: I believe that the warranty on
21 the landfill liner is 20 years and that includes
22 the welds and all aspects of the liner, but more
23 importantly than that is that when that liner is
24 put down, there are at least three different types
25 of quality control testing that's performed to

1 ensure that the -- that the liner is put down in a
2 safe -- and it's put down in a correct manner.
3 The weld -- the welding process leaves a space in
4 between two welds where air is injected under
5 pressure to see if those welds will release
6 continuously on every weld. That's the first
7 thing that's done. The second thing that's done
8 is that every 300 or so feet a destructive sample
9 is taken of a weld and tested for various peel,
10 shear-type tests to see if it's up to strength,
11 and finally what I believe we're doing in this
12 site -- and, Mike, you can correct me if I'm wrong
13 -- there's a resistivity -- there's going to be a
14 resistivity survey performed on the liner which is
15 a third type of a quality control test. So all of
16 those tests are done. It's put down under
17 constant supervision, and the likelihood of that
18 liner being installed with any defects in it are
19 very, very, very small. If there were to be a
20 defect in that liner or if there was a hole in the
21 liner or if something happened that was missed,
22 within a very short period of time after the liner
23 was put down, and I mean like within probably a
24 month, you would see a problem in the underdrain
25 beneath the liner. So you would have an

1 opportunity at that time before you piled 50, 60,
2 70 feet of waste over it to go in there and repair
3 that problem. So there would be an opportunity
4 right away. In the long-run, the objective is to
5 get an area filled and covered as soon as possible
6 so that you are not allowing water to get into the
7 landfill, and in that manner, you are cutting off
8 the recharge to the waste and, therefore, the
9 generation of leachate. So with all that said,
10 the cost to replace the liner is almost -- it's
11 almost a moot point. You could replace portions
12 of the liner that you found to be damaged right
13 after installation, you know, at really no cost to
14 the owner of the landfill or the operator of the
15 landfill because the installer or the provider of
16 -- the manufacturer of the landfill would take
17 care of that. As far as general remediation plans
18 goes, you know, there have -- as part of your
19 applications, both way back in '92 or '91 when we
20 did this originally as well as in this application
21 for this amendment, there are conceptual
22 remediation plans discussed which involve either
23 pumping groundwater through wells, collecting
24 groundwater through trenches at the toe of the
25 landfill, those types of remediation plans to

1 collect anything that might escape the site.

2 MS. WALSH: Just to be clear, in the
3 interest of allowing these questions to be
4 answered, I was hoping to add a little bit more
5 time in the interest of clarity, and I just wanted
6 to put that out there and make sure everyone is
7 comfortable with it. We will get everyone's
8 comments and questions in. There are some
9 questions that need more time than is available.
10 Go ahead.

11 MR. BEHR: My name is Dick Behr. I have to
12 make what I believe is a correction to one of
13 Peter Maher's statements, and that regards if
14 there was a leak in some portions of that liner
15 system, as Peter described it, you would see water
16 in the underdrain immediately or very quickly, and
17 that based on my understanding of that site
18 hydrogeology is not, in fact, going to happen in
19 the upper portion of the site. In the Eastern
20 portion of the site where there are downward
21 groundwater gradients, if there is a leak, it's
22 going to enter the groundwater system and not be
23 transmitted by that underdrain. It will -- that's
24 why we have monitoring wells on the downgradient
25 edge of this landfill. That is where we would see

1 -- hopefully, depending on the size of the leak,
2 we would see a change in the water chemistry in
3 our monitoring wells. Just a clarification.
4 Thank you.

5 MS. WALSH: Tom, do you want to give an
6 indication of how much more time you need in order
7 to answer these questions adequately?

8 MR. DOYLE: I'm not going to be the one
9 responding to them. It's going to be the people I
10 direct to, so I'm going to have to see what
11 estimate --

12 MS. WALSH: Would another five minutes do
13 it?

14 MR. DOYLE: It might do it.

15 MS. WALSH: Okay, let's work within that
16 timeframe.

17 MS. ROBICHAUD: I can get the answers to
18 the questions in writing also if that would make
19 it easier.

20 MR. DOYLE: Well, we're going to be tied up
21 through the end of the day tomorrow and the record
22 closes tomorrow, so we're going to do our best to
23 answer them right now. I think that the second
24 group of questions related to the wetland, and if
25 a leak does occur, can we maintain a safe buffer

1 between the landfill and the wetland, is that
2 essentially the question?

3 MS. ROBICHAUD: Yes.

4 MR. DOYLE: John.

5 MR. SEVEE: John Sevee speaking. I think
6 there is -- by regulation, I think there's already
7 -- that separation distance has been decided. I
8 think we have to stay, what, 300 feet between the
9 toe of the landfill and the wetland, so that's
10 defined by regulation -- or the stream. In terms
11 of the wetland, as I mentioned earlier in my
12 testimony today, the groundwater is moving in the
13 order of about 40 feet per year, and between the
14 most downgradient wells that we have on the site
15 and the wetland environment, it's a distance of
16 over a hundred feet, so there's a couple of years
17 there and we would have adequate time to respond
18 to any changes in the water quality.

19 MR. DOYLE: Kimberly, there was a question
20 about Hampden waste and waste here. I got the one
21 about low level waste, and there's never going to
22 be low level waste allowed into this landfill.
23 It's a solid waste landfill and it's not going to
24 be allowed for low level waste.

25 MS. ROBICHAUD: I just said if -- my

1 question was, if they followed through with their
2 decision to reclassify low level nuclear waste as
3 special waste, the West Old Town landfill is
4 permitted for special waste so --

5 MR. DOYLE: If who follows through?

6 MS. ROBICHAUD: The EPA, the Environmental
7 Protection Agency.

8 MR. DOYLE: Well, the Department will have
9 to respond to whether or not they're going to let
10 low level radioactive waste in the landfill.

11 MS. CLARK: As I recall your question
12 specifically, Kimberly, it was if EPA took such an
13 action, would it automatically be allowed to go
14 into the West Old Town landfill, and it would
15 not. As we discussed earlier, there is a list of
16 acceptable waste that's been presented and a list
17 of wastes that are not acceptable. If any new
18 wastes, additional wastes, low level radioactive
19 waste or otherwise were proposed to be disposed in
20 the West Old Town landfill, they would need to be
21 specifically applied for and approved by the
22 Department before they could accept them.

23 MS. ROBICHAUD: So that goes with Hampden
24 as well. If Hampden accepts more wastes, we have
25 to re-permit --

1 MS. CLARK: Correct.

2 MS. ROBICHAUD: Okay.

3 MR. DOYLE: Then there was a question
4 regarding dry cell versus wet cell technology and
5 the decomposition of waste. Rich Wardwell.

6 MR. WARDWELL: I think your question mostly
7 was you started off with asking about the time
8 difference for the degradation of materials of a
9 bioreactor versus a dry cell technology.
10 Currently -- I first started looking into
11 bioreactions for other clients probably about
12 three to four years ago. The technology is
13 evolving and there's lots of information coming
14 out now. It's under demonstration studies right
15 now with the EPA. Those studies are defining just
16 what you're trying to say along with also the
17 other potential impacts like stability, odors and
18 those types of things that determine the
19 suitability of that particular technique for the
20 types of waste streams and the climate that exists
21 there. Casella has committed to investigate that
22 because it's in their best interest to see whether
23 or not that technology is better than the dry
24 cell, and as things evolve, decisions will be made
25 in the future in regards to whether or not it's

1 advantageous to incorporate it here at the site.

2 MS. ROBICHAUD: So just to clarify -- can I
3 ask that? Is that okay? So they do -- to
4 clarify, they do plan to look into this but they
5 didn't look into it before when they made their
6 decision? Because my second question was why did
7 Casella choose a dry tomb style over a bioreactor
8 landfill paired with gas harvesting techniques?

9 MR. WARDWELL: The reason being is that
10 felt that it isn't a proven technology yet for
11 defining the characteristics that are truly going
12 to determine whether or not it's suitable or not.
13 Those demonstration projects need to get further
14 along to show those types of things that are
15 really going to be controlling at this particular
16 site, i.e., the characteristics of the waste
17 streams and then, in fact, what types of stability
18 impacts will occur with a biodegradation and how
19 much challenges are there for odor control and
20 that type of thing. Once those are resolved, it
21 will be interesting to see what types of
22 information evolve and decisions made based on
23 that.

24 MR. BURSON: We probably need to move on as
25 quickly as possible. Tom, can we get at least one

1 more and then we may have to ask Kimberly to wait.

2 MR. DOYLE: There was a question about did
3 Casella request Old Town to buy environmental
4 impairment insurance?

5 MS. ROBICHAUD: Environmental disaster
6 insurance.

7 MR. DOYLE: Disaster insurance. I'm not
8 aware that such a request was made of Old Town,
9 but Casella as part of this application has
10 provided liability impairment insurance and as
11 part of its contract with the State of Maine has a
12 how many million dollar policy?

13 MR. MacDONALD: Ten million.

14 MR. DOYLE: A ten million dollar policy for
15 environmental insurance.

16 MS. ROBICHAUD: So, no, they don't request
17 that --

18 MR. MacDONALD: Not for Old Town.

19 MS. ROBICHAUD: Not for Old Town, okay.

20 MR. BURSON: Okay, Kimberly, were there
21 others left unanswered? I'm sorry, I've kind of
22 lost track. Let's hope we can follow up with them
23 as we go along. Thank you very much.

24 MS. ROBICHAUD: Thank you.

25 MR. BURSON: The next person on the list is

1 Ernest and is it Garceau?

2 MR. GARCEAU: Good afternoon. My name is
3 Ernest Garceau. I live at 805 Stillwater Avenue
4 in Old Town.

5 MR. BURSON: Be very close.

6 MR. GARCEAU: Huh?

7 MR. BURSON: Be very close to the
8 microphone.

9 MR. GARCEAU: Oh, yeah, my question is, for
10 one thing, is who you all work for?

11 MR. DOYLE: Were you here this morning? We
12 introduced everyone. We can do that again. I'm
13 an attorney with Pierce, Atwood and I represent
14 Casella in this proceeding. Next to me is Pete
15 Maher. He is the vice president of Sevee, Maher
16 and an environmental engineer in Cumberland,
17 Maine. They're the environmental engineering firm
18 working on the project. Don Meagher is with Solid
19 Waste Systems. John Sevee is the president of
20 Sevee, Maher, the same company that Pete works
21 for. George MacDonald works for the State
22 Planning Office. They're the applicant. Mike
23 Booth is a project engineer for Sevee, Maher
24 Engineers, engineers for the project. John Lortie
25 is the president of Woodlot Alternatives who did

1 the wildlife and endangered species studies,
2 wetland studies for the project. Next to him is
3 David Andrews. He's with Sanborn, Head and
4 Associates, an environmental engineering firm in
5 New Hampshire and Vermont. They designed the gas
6 management system for the project. Next to -- I'm
7 sorry, Adams -- next to David is Martha O'Brien
8 with Odor Science and Technology out of
9 Bloomfield, Connecticut. She's the odor control
10 expert for the project. Next to Martha is Bill
11 Eaton of Eaton Traffic Engineering. He's the
12 traffic engineer for the project, did the traffic
13 impact analysis. Next to Bill is Dennis Jud of
14 SMRT, landscape architects out of Portland.
15 Dennis did the visual impact analysis in '92-'93
16 and again this time around for the amendment
17 application. Next to Dennis is Jim Chabot of
18 Sanborn, Head and Associates, again the firm out
19 of Vermont and New Hampshire that did the gas
20 management system. In the back is Eric Wood of
21 Acentech Incorporated out of Cambridge,
22 Massachusetts. Eric is the noise expert,
23 acoustical engineer who did the noise study for
24 the project. Tom Gilbert is the -- works for
25 Casella principally out of Hampden but he is the

1 environmental compliance officer, and next to Tom
2 is Rich Wardwell, Dr. Rich Wardwell, who has done
3 geotechnical work on the project since 1999. He
4 works for himself, but he is looking at stability
5 issues for the project.

6 MR. GARCEAU: Thank you. This is Casella
7 here? Who is your boss?

8 MR. BURSON: The question was, who is your
9 boss?

10 MR. MEAGHER: My -- my supervisor would be
11 Jim Hiltner, who is the vice president of
12 Casella's Eastern region. Casella has three
13 regions. The Eastern region is Maine and
14 Massachusetts. We have a Central region, New
15 Hampshire and Vermont, and a Western region, New
16 York State, and I work in the Eastern region. I
17 work only in Maine. My supervisor, Jim Hiltner,
18 is based out of our company's offices in Saco.

19 MR. GARCEAU: Ayuh, well, I think you're
20 all working for the Sargents, Leonards and
21 Sewells, aren't you?

22 MR. MEAGHER: No.

23 MR. GARCEAU: Well, I beg to differ.

24 MR. BURSON: Do you have another question
25 or something else you'd like to say?

1 MR. GARCEAU: Well, I guess I'm regarding
2 the Sargents, Leonards and Sewells. They own Owen
3 Folsom, Cyr Bus, Northstar Tours and Bale. They
4 own Dube's Auto Parts, Anthem Insurance Company.
5 Joe Sewell's nephew is the front for these -- for
6 this Anthem Insurance. The ERA Dawson Bradford,
7 each office is posted up on the bulletin board.
8 Who is their friend? And they own Vaughn
9 Thibodeau Construction Company of -- oh, down
10 below Winterport and they own all the Shop 'n Save
11 stores in this state except three. That would be
12 Doug's Shop 'n Save in Pittsfield and --

13 MR. BURSON: Mr. Garceau, is your question
14 to the applicants whether they have any business
15 connection to Sargent Enterprises and the others
16 you mentioned? Is that your question? Do you
17 want to know whether they, in fact, have a
18 business relationship with those companies?

19 MR. GARCEAU: Yes, I --

20 MR. BURSON: Tom, can one of you answer
21 that?

22 MR. MEAGHER: I am not aware of any
23 connection.

24 MR. GARCEAU: I can't see how you could be
25 -- couldn't be.

1 MR. MEAGHER: Well, I'm not. That's all I
2 can say.

3 MR. GARCEAU: Tom Sawyer is and John
4 Ouellette is the front men for the people that
5 collects garbage around, and --

6 MR. BURSON: Mr. Garceau, you have about 30
7 seconds left.

8 MR. GARCEAU: They own the franchise for
9 Irving Oil and Computer Renaissance in Bangor.
10 They front their own company, the bowling alley in
11 Old Town and Coles Express is Jack Cashman. He's
12 the front for them.

13 MR. BURSON: I believe your time is up.

14 MR. GARCEAU: Thank you.

15 MS. WALSH: The next name I have is that of
16 Dana Connors. Is Mr. Connors present?

17 MR. CONNORS: Good afternoon. My name is
18 Dana Connors, and I'm the president of the Maine
19 State Chamber of Commerce. The Chamber is Maine's
20 leading voice for business representing more than
21 1,200 companies statewide. The Maine State
22 Chamber works to ensure a business climate in
23 which members large and small can compete
24 successfully in local, regional, national and
25 world marketplaces. One essential component of

1 that competitiveness is infrastructure. In this
2 case, the ability of businesses and communities to
3 properly and economically dispose of their solid
4 waste, but to do so in a way that is
5 environmentally safe and sound. It is with that
6 necessity in mind that I speak today in support of
7 the amendment application now under review by the
8 Department of Environmental Protection for the
9 West Old Town landfill. Allow me to make two
10 essential points. First, this project represents
11 a key piece in Maine's effort to assist
12 Georgia-Pacific achieve a competitive edge, hoping
13 and helping to protect 450 solid, well-paying
14 jobs. The DEP approval of the amendment
15 application will allow the mill to lower its
16 operating costs, eliminate the need for additional
17 capital expenditures at the landfill and provide
18 funds to purchase a biomass boiler which will
19 dramatically lower its cost for energy while
20 benefiting the state through the use of clean wood
21 waste as a fuel source.

22 Second, from both a public policy and an
23 environmental policy point of view, the amendment
24 offers a variety of benefits that we believe will
25 improve the state's entire solid waste management

1 system. The project, for example, allows for a
2 state-owned landfill with 30 years' capacity at no
3 cost to the taxpayer. It provides guaranteed
4 future solid waste capacity needs for the people
5 of Maine. It provides greatly expanded recycling
6 opportunities for construction and demolition
7 wood, glass, electronic waste and organics as well
8 as waste paper and scrap metal. It does all of
9 the above with stable, long-term fixed prices
10 limited to State of Maine waste only.
11 Significantly these benefits are achieved at an
12 existing secure landfill that is already permitted
13 by the Department of Environmental Protection, has
14 more than ten years of site monitoring and
15 operational history. Soils, hydrology and the
16 underlying geology have all demonstrated that the
17 existing site is an appropriate location for a
18 secure landfill. Proposed improvements outlined
19 in the amendment application would only enhance an
20 already well-designed landfill. The Chamber
21 believes this amendment application meets all the
22 requirements of State law as we see it as well as
23 the Department's technical requirements.
24 Accordingly, we urge the Department to make a
25 favorable finding and approve this amendment as

1 soon as possible. I thank you very much.

2 MS. WALSH: Any comments from any of you
3 guys? The next person that asked to speak or has
4 a question is Suzanne Malis-Anderson, and,
5 Suzanne, I'd ask you to state your name and where
6 you're from, please.

7 MS. MALIS-ANDERSON: My name is Suzanne
8 Malis-Anderson, and I live in Veazie, Maine.
9 There are a number of issues that concern me
10 regarding the expansion of the Old Town landfill.
11 First of all, this decision was made in Augusta
12 without a formal public hearing. Other towns in
13 southern Maine such as Scarborough have discussed
14 their own landfill issues at their own meetings.
15 According to the Portland Press Herald dated March
16 3rd, 2004 and I quote from the Herald, before the
17 expansion of the Scarborough landfill,
18 Scarborough's elected officials want answers on
19 the ash's possible effects on residents' health,
20 groundwater and the overall environment. During a
21 special meeting at seven p.m. today, the town
22 council will consider a 90-day moratorium on the
23 expansion or creation of landfills. Is democracy
24 something that is practiced only in southern
25 Maine? The town council in Old Town and all of

1 the councils in the surrounding communities should
2 have had discussions and public hearings regarding
3 such a controversial proposal that will impact our
4 health and our environment. This is another
5 example of taxpayers losing local control of their
6 town government. I also have comments and
7 questions regarding the 61-page draft order. On
8 page 38, and I quote, the Department finds that
9 the waste characterization plan proposed for use
10 at West Old Town landfill provides adequate
11 provisions for the testing of waste coming into
12 the landfill and a proven, reliable method of
13 keeping hazardous waste from being disposed. What
14 are these provisions and methods and how can you
15 assure the citizens that they will be accurate?
16 After all, in May of 2000, the New Hampshire DES
17 concluded that Casella failed to use or complete
18 hazardous waste manifest for transport of leachate
19 55 times. They also illegally discharged landfill
20 leachate into a municipal sewerage treatment plant
21 six times. Can you swear under oath that this
22 company that has broken the law time and time
23 again be trusted? On page 41, the total number of
24 trucks at 540,000 tons a year rate is 140 trucks
25 per day. The staggering amount of garbage coming

1 into -- this is a staggering amount of garbage
2 coming into our communities. What will the toll
3 be on our roads regarding traffic and safety?
4 Emissions from these trucks will also add to the
5 air pollution. Our neighborhoods will be
6 negatively impacted. On page 53, I quote, the
7 applicant has made adequate provisions for fitting
8 the development harmoniously into the existing
9 natural environment, and the development will not
10 adversely affect the existing uses, scenic
11 character or natural resources in the municipality
12 or in the neighboring municipalities. How does a
13 330 foot mountain of garbage fit harmoniously into
14 the existing natural environment? How does a 330
15 foot mountain of garbage not adversely affect
16 scenic character or natural resources? The
17 expansion of this landfill will adversely affect
18 our way of life. We citizens are entitled to a
19 healthy environment. It is our legal right. Our
20 children already have the highest asthma rates in
21 New England. Cancer is the second leading cause
22 of death for children between the ages of 5 and 14
23 years. Maine ranks eleventh nationwide in cancer
24 deaths. Can all of you, including our governor,
25 swear under oath that these statistics won't rise

1 with the landfill expansion and the additional
2 biomass boiler? After all, Governor Baldacci is
3 always expressing his concern for our children.
4 Perhaps our children can follow the cancer
5 statistics for this area on their new laptops.
6 Thank you.

7 MS. WALSH: Responses?

8 MR. DOYLE: We'll take these questions
9 seriatim. The first one dealt with waste
10 characterization plan for the West Old Town
11 landfill. Tom?

12 MR. GILBERT: Tom Gilbert. As stated, the
13 waste characterization program is a proven program
14 to detect any hazardous ingredients beyond the
15 regulatory thresholds in special waste. The
16 sampling protocol is followed very thoroughly, and
17 before any waste is accepted, it is -- it is
18 reviewed thoroughly and to assure that the levels
19 are acceptable levels to go in the landfill. This
20 program has been in effect for a number of years,
21 and a copy of that program is in the amendment
22 application package.

23 MR. DOYLE: There was also reference made
24 to some penalties that Casella has incurred.
25 We're not aware of the penalties that she's

1 referring to so it's difficult to comment on what
2 she's talking about. So we'll decline comment on
3 that. There was a question about what impact the
4 proposed traffic will have on the roads on traffic
5 and on safety. Bill Eaton.

6 MR. EATON: Bill Eaton. The number that
7 you quoted in your statement, 140 trucks, that is
8 140 new truck trips. Those are one-way trips, so
9 it's actually 70 trucks and, yes, it is a
10 substantial number of additional trucks because
11 we're bringing additional waste into the
12 facility. The routes that these trucks take are
13 essentially the smaller trucks will probably be
14 taking Interstate 95. The larger trucks that
15 weigh over 80,000 pounds will be utilizing regular
16 state primary highways. There are five or six
17 different routes that we identified. There are
18 probably more than that. We expect them to be
19 relatively dispersed throughout the area.

20 MR. DOYLE: And, Bill, there was a question
21 about the traffic safety as well.

22 MR. EATON: As part of this process, we had
23 to review in detail the traffic safety within one
24 quarter mile of the site entrance which we did
25 do. There are very few accidents, no high crash

1 locations in those vicinities. The State of Maine
2 Department of Transportation did, in fact, look at
3 traffic safety conditions throughout the entire
4 length of the routes and there are -- while there
5 are several small areas that have caused some
6 concern, there was no general feeling that this
7 level of truck traffic generation is going to
8 cause any new safety problem.

9 MR. DOYLE: Then there was a question about
10 how we can say there's no unreasonable impact on
11 scenic character and natural resources. With
12 respect to the natural resources, I'm not sure if
13 you were here this morning, Suzanne, but since
14 this is not a lateral expansion, not an expansion
15 under the Department's rules, it's a vertical
16 increase, we are not impacting any additional
17 natural resources. That's one of the attributes
18 of going higher rather than laterally. With
19 respect to scenic character, I'll let Dennis Jud,
20 our visual impact expert address that issue.

21 MS. WALSH: And, Tom, you guys have about
22 one more minute. Will that be adequate to wrap
23 this up?

24 MR. DOYLE: Yes.

25 MR. JUD: Based on our studies looking at

1 the number of viewers, the type of viewers of this
2 taller landfill and the elements of its
3 characteristics in the landscape such as scale,
4 form, line, color and texture, we have concluded
5 based on those characteristics and elements that
6 it, in fact, would not be an adverse impact to the
7 scenic character of the area, and, again, as
8 stated this morning, that was also corroborated by
9 the state's consulting peer reviewer.

10 MR. DOYLE: And finally, will the landfill
11 expansion increase cancer statistics, first of
12 all, it's not a landfill expansion. It's a
13 vertical increase. A landfill expansion is --

14 MR. BURSON: Excuse us, please.

15 MS. WALSH: If I can ask the audience to --
16 we did do the speak one at a time ground rule, and
17 just out of respect for the process, everybody is
18 going to have a chance to express their opinion
19 and comment, but we would just ask you to not make
20 verbal outbursts like that and interrupt someone
21 while they're talking. Thanks.

22 MR. DOYLE: As George MacDonald explained
23 this morning, an expansion under the Department's
24 laws is a term of art and means a lateral increase
25 of solid waste capacity beyond the existing

1 license boundaries, so this is not an expansion;
2 and the answer is, no, it will not increase cancer
3 statistics.

4 MS. WALSH: Okay, the next person that
5 signed up to speak is Mike St. Peter. Is Mike
6 here? Okay. Mike, if you could state your name
7 and where you're from, please.

8 MR. ST. PETER: My name is Michael St.
9 Peter, a resident of Old Town. I will be brief.
10 I know we have a five-minute -- thank you. I also
11 am an employee of Georgia-Pacific in Old Town and
12 have been for 25 years. At the same time, I'm a
13 resident of Old Town, have all my life, as my
14 parents, grandparents, great grandparents, lived,
15 worked and still live and work in Old Town. That
16 doesn't make me anymore of an expert on the issue
17 of Old Town. It doesn't give me anymore right to
18 speak here, but it does give me a right to speak
19 here. I don't speak as a Georgia-Pacific
20 employee. I don't speak as an Old Town resident.
21 I just want to come to speak because this has been
22 going on for months, months. I was involved in
23 the first hearing when it went on down in Augusta
24 when it was proposed for the resolution, as my
25 local politicians were. All of them were there,

1 had a chance to ask questions, ask their
2 questions, got their answers, didn't raise any
3 major concerns, sometime later voted for the
4 resolution. Then the heat gets on a little bit
5 and there's a little bit of a decision, some
6 questions, and then we start hearing terms
7 possible, hypothetical, theory, maybe, might. I
8 would hope that my government, which I don't put
9 blind trust in but I have to put some trust in
10 because I'm not an expert, would make their
11 decisions based on scientific data, other
12 information that they received from past history,
13 not on hypothetical, maybes, and what ifs. I have
14 the greatest of faith in the DEP and my state
15 government that they are looking out for my best
16 interests and for the interests of the people in
17 the State of Maine. The Department of -- the DEP
18 and the State of Maine, though I'm not world
19 traveled, but from what I've read and what I've
20 seen is probably the third most stringent DEP in
21 the country. We have discouraged business. We've
22 discouraged development in this state. You can't
23 put all the blame on DEP, don't get me wrong, but
24 the state has to turn around somewhere. Does that
25 mean we sell our soul? God, no, we don't, but

1 somewhere we have to realize that I don't want to
2 work in the service sector for this state to be a
3 national park. I don't. We have to bring
4 industry into the state. I don't know how we're
5 going to do it, don't have the answers, but I do
6 know that we certainly do not want to discourage
7 the industries that we have here now. That's what
8 Governor Baldacci and the government is trying to
9 do at this time. Eco, somebody mentioned eco
10 earlier. Economy and ecology, they can and must
11 coexist. You don't have to have one without the
12 other. You can't -- you don't have to have
13 economy without ecology and ecology can be brought
14 on even with economy and, God bless us, there's
15 nothing wrong with making a profit if you're going
16 to be in business, that's why we all work for the
17 businesses we do so they can make a profit. We
18 help them make a profit. There's nothing wrong
19 with that. I come here because -- and I had
20 something written up that I wanted to say, but as
21 you sit here and you listen and everything, I feel
22 for those who are in opposition to this. I do.
23 As I know some of them feel for those who work at
24 the mill. It's too bad that we always get into
25 this. We have the Searsport. We have the liquid

1 petroleum plant. Communities get torn apart. I
2 feel and I'm sure to an extent they feel for us.
3 There is going to be no right answer that comes
4 out of this. Regardless of how it comes out,
5 there's going to be -- if you want to call it a
6 winner and a loser.

7 MR. BURSON: One more, Mike.

8 MR. ST. PETER: Thank you. I've never been
9 doing anything in five minutes, but I don't know
10 where this is going to turn out. I'm hoping it
11 comes out that it's going to go through. We have
12 a scientifically reinforced, a scientifically
13 backed decision to go forward with the landfill,
14 but I do know when we found out a few short weeks
15 ago that there was going to be another hearing, we
16 decided -- we said there are people out there who
17 said -- at one of the meetings I went to they said
18 where are these people who are in favor of it?
19 Where are these people? We wanted to give the
20 people who are in opposition an opportunity. We
21 didn't want to disturb their fact findings, their
22 way of going. I have here over 2,100 signatures
23 from people in the surrounding communities, this
24 community, who are in favor of the landfill, who
25 are in favor of the DEP's decision, who are in

1 favor of Governor Baldacci. These I would like to
2 give to the DEP to put on record over 2,100
3 signatures collected in the last two weeks, and we
4 hope that this will help you decide that there are
5 people who are in favor of this landfill. Thank
6 you.

7 MR. BURSON: We have, according to my
8 calculations, five more people who would like to
9 speak between now and 5:30. It seems like we're
10 on pretty good track if we make good use of our
11 time. The next person who has expressed an
12 interest in speaking is Michael Richard or
13 Richarde, I'm not sure which.

14 MR. RICHARD: Richard. My name is Michael
15 Richard. I'm from Milford and I, too, work at
16 Georgia-Pacific. I was very much aware of the
17 exhaustive process back in the early nineties when
18 this landfill got its first permit, and I had
19 faith in DEP to make the right decisions based on
20 the findings that they had and the scientific
21 value that was placed on it, and I don't speak as
22 well as my counterpart does, but I just want to
23 let you know that I still have faith in DEP, I
24 support this decision, and I thank you very much
25 for giving me a chance to say that.

1 MR. BURSON: Thank you. The next name that
2 we have is Peter Vigue from Pittsfield -- oh,
3 sorry, I missed that one. Peter, my apologies.
4 Next on the list out of order is John Williams.

5 MR. WILLIAMS: Good afternoon. I'm John
6 Williams. I live in Winthrop, Maine. I'm here
7 speaking as the president of the Maine Pulp &
8 Paper Association. I think I can offer a somewhat
9 unique perspective on the issue of this landfill.
10 I work for the Pulp & Paper Association
11 representing eight pulp and paper mills in the
12 state, including Georgia-Pacific, where my job is
13 to try to preserve the 8 or 9,000 jobs that are
14 left in our mills and there's something like
15 40,000 jobs that depend on those mills even though
16 they're not directly related, but before I did
17 this, I worked for seven years at the Land Use
18 Regulation Commission essentially making decisions
19 on controversial siting issues like the DEP is
20 doing today. Before that I worked very briefly at
21 the Waste Management Agency trying to find a
22 solution to the state's disposal problem for solid
23 waste, and I was the one who ultimately completed
24 the application to site a facility at Carpenter
25 Ridge and then I passed the project on to the

1 State Planning Office. So you can thank me,
2 George. Prior to that, I spent about five years
3 in Maine and New York trying to find a place for
4 our radioactive waste, our low level radioactive
5 waste. I had a lot of hearings that were a lot
6 more contentious than this trying to deal with
7 radioactive waste, but what I was trying to do was
8 to find a good site, and before that I work at
9 both DEP and the Maine Geological Survey as a
10 geologist reviewing applications for landfills and
11 other controversial siting facilities. I believe
12 that all of that has given me the ability to know
13 a good site when I read about it and see it, and
14 this is a good site. You have thick glacial till,
15 fine grain soils. That's just what you're looking
16 for when you're doing a siting study. It's
17 hydraulically isolated. I know there's been
18 concern that groundwater was somehow going to get
19 contaminated and contaminate wells some distance
20 away. It's not going to happen. The groundwater
21 flows toward the stream, so that if there was any
22 problem with groundwater, it wouldn't affect any
23 drinking water supplies, it wouldn't affect the
24 stream because there's so much time involved for
25 any attenuation of contaminants. It's an

1 assessable site transportation wise. It's got a
2 good design. It's got multiple liners, a leachate
3 collection system, an opportunity for treatment
4 with the city of Old Town. More than that, it
5 meets a state need. When I left the waste
6 management agency, we had two facilities in the
7 state taking solid waste, in Hampden and in
8 Norridgewock. We still have two facilities. I
9 would never have guessed they'd have lasted this
10 long, and as I drove by the facility in Hamden on
11 my way up here, I thought, you just can't keep
12 going up there. The state is running out of
13 capacity. This will answer that problem. There
14 are many positive environmental benefits not only
15 with the landfill, but by having this agreement,
16 the Georgia-Pacific mill can convert part of their
17 energy use to biomass, a renewable energy source,
18 and get off to some degree using fossil fuels, and
19 there are a number of economic benefits, not only
20 the good jobs at the mill but the jobs in the
21 woods to bring the wood into the mill, jobs at the
22 stores in the area, jobs with contractors
23 providing services to the mills. Just look at
24 Millinocket and now Lincoln if you want to see all
25 of the economic impact of what would happen if

1 this facility was to close down. It's not very
2 often that we have an opportunity that is good for
3 the economy and good for the environment.

4 I want to close with just an observation
5 about whether this is the perfect site, and the
6 answer is, no, there is no perfect site, but in
7 all of my siting days, the closest I ever came to
8 a perfect site was in West Texas where the State
9 of Maine had gotten into an agreement with Vermont
10 and Texas for one disposal site for our low level
11 radioactive waste. We found a site 500 feet to
12 water, to groundwater. The nearest river was
13 miles away. The people in town, unlike when I was
14 dealing with the radioactive waste and I had to go
15 on site with a police escort, in West Texas we
16 rode around in a big white Blazer that said Texas
17 Low Level Radioactive Waste Facility and people
18 waved to me. They wanted this facility. That
19 facility was never built. It was never built
20 because the governor of Texas decided to run for
21 president and didn't want a radioactive waste
22 facility being approved on his watch. I don't
23 believe politics should be part of siting
24 decisions. I believe instead it should be based
25 on science, it should be based on design, it

1 should be based on a very careful analysis of the
2 pros and cons, and with that type of analysis, I
3 believe the DEP will and should approve this
4 proposal. Thank you.

5 MR. BURSON: Thank you. Any comment?

6 MR. DOYLE: No.

7 MR. BURSON: With prior apologies again,
8 Peter Vigue, it's your turn.

9 MR. VIGUE: Good afternoon. My name is
10 Peter Vigue. I live in Pittsfield, Maine. I'm
11 president of Cianbro Corporation and also
12 president of the University of Maine Pulp and
13 Paper Foundation, and I'm a proponent for the
14 landfill permit amendment. It's my understanding
15 that this landfill facility was permitted over ten
16 years ago. It's also my understanding that that
17 facility will operate consistent with this state's
18 policy and under its laws. I also believe that
19 the facility is essential to the communities in
20 the area and also to Georgia-Pacific and, most
21 importantly, the landfill is an important part of
22 this state's current and future infrastructure.
23 The pulp and paper industry is an important part
24 of our Maine economy and we found out just
25 recently how important it is as a result of the

1 downfall of the economy in this state and what an
2 impact that industry has had on this state's
3 quality of life and the social problems that occur
4 when the mills do not exist or go away. This
5 permit amendment is good for Maine, it's good for
6 Maine communities, and it's good for Maine people,
7 and, you see, I care deeply about the people of
8 this state, I care deeply about our environment,
9 and I care deeply about our economy. Unless we
10 have a well-balanced approach in all three of
11 those areas, then we're not going to be able to
12 provide for the quality of life for the people of
13 this state, and I encourage you to continue to
14 support -- as the DEP, to support this permit
15 amendment. Thank you.

16 MS. WALSH: Any comments from anybody? I
17 just wanted to take this time to let folks know
18 there were a couple people that approached me that
19 wanted to sign in to comment today and I'd ask you
20 to submit your chit or your paper to Deb in the
21 back. I think Deb is still back there. So if
22 there are additional people that want to comment
23 today, please go see Deb and give her your form
24 and also, I just wanted to check on the recorder.
25 Are you okay? All right. So the next person that

1 is going to speak is Paul Schroeder.

2 MR. SCHROEDER: Yes, my name is Paul
3 Schroeder. I'm from Orono. I signed up to speak
4 right now for a procedural reason, and I just
5 wanted to make sure that speaking for that purpose
6 now doesn't take up my ability to speak at another
7 time on more substantive issues.

8 COMMISSIONER GALLAGHER: Sure.

9 MR. SCHROEDER: I raised this earlier and
10 what I'm bringing up now is for clarification for
11 myself and for some of the people who spoke this
12 afternoon that first of -- that there was a
13 problem of time for a few of the people who spoke
14 and a few of those people said they couldn't be
15 here another time, that through tomorrow their
16 questions and comments should be submitted in
17 writing. I don't think this was stated this
18 afternoon. This is my understanding, and also,
19 that speaking this afternoon, especially if there
20 wasn't enough time, won't preclude people from
21 signing up again at a different session. Can I
22 get just the assurance on those two points?

23 MS. WALSH: That's correct.

24 MR. SCHROEDER: Thanks.

25 MS. WALSH: Peter Dufour.

1 MR. DUFOUR: My name is Peter Dufour, and
2 I'm a resident of the West Old Town area. I have
3 submitted a previous request, but I'd like to add
4 another one today. In addition to my previous
5 documented request, I would like to add another on
6 this day. I would ask the DEP in conjunction with
7 the owner, the State of Maine, require that the
8 contractor divert all raw municipal waste bypass
9 from the PERC and MERC to the Pine Tree landfill
10 in Hampden, until such time there is not an
11 adequate space available at that site. The Pine
12 Tree landfill is currently receiving raw municipal
13 waste from bypass as well as out-of-state raw
14 waste. Acceptance of this request would alleviate
15 much of the concerns from many towns between MERC,
16 Hampden landfill and West Old Town regarding truck
17 loads of staunch odor during the heat of the
18 summer. In Old Town alone, the trucks will pass
19 by four restaurants. This does nothing to enhance
20 one's appetite. It would appear that
21 consolidating all the raw municipal waste in one
22 location would be good business avoiding some of
23 the duplication of handling and equipment. It is
24 a known fact that the raw waste will generate more
25 pungent odor than any other of the materials to be

1 deposited at the West Old Town site. The West Old
2 Town neighborhood would view this as an effort by
3 the state and the contractor to respect some of --
4 to some small degree our rural quality of life.
5 Let us remember our State Motto, Maine, The Way
6 Life Should Be. If the human aspect cannot
7 generate DEP's consideration in the operation and
8 design of this landfill, let us turn to the nature
9 side. Consider the fact that the seagulls
10 currently congregate at the Hampden landfill to
11 supplement their dietary needs, a source much
12 closer than their natural habitat, the Coast of
13 Maine. Depositing a portion of their food source,
14 raw municipal waste, at the Old Town site would
15 require them to extend their daily journey by an
16 additional 20 miles north. This would split the
17 flock and disrupt bird families and be taxing to
18 their longevity. If we are attempting to obscure
19 the landfill, there is nothing that will attract
20 more attention to an existing dump than a flock of
21 seagulls hovering over it. I ask for your serious
22 consideration in making this landfill as palatable
23 as possible in an adverse situation. I'd also
24 like to refer to a part of what I submitted back
25 in February again on the visual impact, and I

1 mentioned it this morning, and I must say that up
2 front is living in the neighborhood and owning a
3 couple hundred of acres of land with about a
4 quarter of a mile of frontage on Route 43 that is
5 in direct view of the landfill, I am concerned.
6 The height of the pile is a grave concern to me,
7 and I went over some of this this morning, and I
8 know that the concession has been made and the
9 draft approval that the height of the pile would
10 be reviewed when it reaches the height of, I
11 believe, 330 feet where it's proposed for 390. I
12 would like to ask that the DEP consider calling
13 that the permanent height rather than putting us
14 all through this again in five or six or seven
15 years from now when they're going to review it and
16 determine whether it will go up. Keep in mind
17 that the height of this pile is going to be -- if
18 approved at its existing height, will be 70 feet
19 higher than the existing landfill in Hampden. I
20 ask for your consideration on these matters.
21 Thank you very much.

22 MR. BURSON: Thank you. Any comments?
23 Okay. The next person who has registered to speak
24 is Kelli Manigault.

25 MS. MANIGAULT: Hi, I'm Kelli Manigault, an

1 employee of Georgia-Pacific, and I just have just
2 a few words that I'd like to say. First of all, I
3 would like to thank the DEP for holding the
4 multiple public meetings and for taking the time
5 to listen and answer the questions of the people
6 in the community. I'd also like to voice my
7 support of the landfill expansion. I've heard all
8 the information, as you have, and have not heard
9 one piece of information that says the landfill is
10 not safe. The Old Town landfill already exists
11 and was constructed from state-of-the-art
12 technology. In addition to that, it will have
13 many upgrades that will be made such as the
14 enclosed leachate storage, daily cover and odor
15 neutralizing spray, just to name a few, plus the
16 benefits the community will receive. It will help
17 secure jobs in Maine, not just at Georgia-Pacific
18 but other jobs that depend on us, and it will give
19 the state a much needed landfill. I hope you will
20 approve the amendment application. Thank you very
21 much for your time.

22 MS. WALSH: Okay. So we have one more
23 person signed up, but this person already spoke
24 today, and I just wanted to get -- is there anyone
25 else that hasn't spoken yet today that wants to

1 sign up to ask a question or make a comment? And
2 if --

3 MR. MEISTER: I didn't put down a
4 particular time. It doesn't matter if I do it now
5 or this evening.

6 MR. BURSON: Why don't you come forward.

7 MS. WALSH: Okay, why don't you come
8 forward then, sir.

9 MR. MEISTER: Hello, my name is Alfred
10 Meister, M-E-I-S-T-E-R, and I've been an Old Town
11 resident all my life. I am currently an abutting
12 property owner. I live in West Old Town. I'm
13 going to be making references to the draft license
14 amendment. Without a lot of time, I can't go into
15 all kinds of details that probably would help a
16 lot of people if I could, but in referring to
17 Section 16 under existing uses, Paragraph C states
18 the portions of the 780-acre parcel that are
19 currently undeveloped will not be altered.
20 Earlier today Mr. Meagher earlier stated that
21 Casella will immediately begin the process of
22 planning for future expansion. To me that makes
23 that a false statement. Under Section 10,
24 settlement and stability, there's a lot of talk
25 and references made to a six-week test period,

1 that it's very important that it go through the
2 spring freeze/thaw period. My question is, has
3 this been done or what is the status of this? If
4 I could get an answer to a couple of these things
5 as I go, it will help tie it together.

6 MS. WALSH: Okay.

7 MR. SEVEE: It has not been done yet.

8 MR. MEISTER: Okay, and so if not, then the
9 several statements in that are also false at this
10 time, and since it hasn't been, where do we go
11 from here because a lot of the things in this
12 application are tied to this very important test
13 period for stability.

14 MR. WARDWELL: I'm not sure I understand
15 the question. Would you repeat the question
16 again?

17 MR. MEISTER: Well, the section is -- it
18 makes the six-week test period during the
19 freeze/thaw period very important, and this test
20 is the three percentages all relating to the
21 stability of the pile. If this hasn't been done
22 and this is trying to be forced through very
23 quickly, where does that leave us? How do we know
24 what's stable, what's not?

25 MR. WARDWELL: The -- one of the comments

1 I'll make is that I don't see this as forced
2 through very quickly as far as my own perspective
3 based on a length of time between the application
4 was submitted and now the projected time that the
5 final order will come out. There is not time to
6 build that test plot at this time in order to go
7 through the freeze/thaw cycle at this period. The
8 purpose of the test plot is to determine the
9 optimum mixing ratio to see if, in fact, we can
10 increase it beyond the 15 percent that's currently
11 in the application. The test plot will determine
12 whether or not we can increase that. We will have
13 to go through another freeze/thaw cycle next
14 spring before those results will be done. In the
15 interim, the plans are to bring in the waste and
16 deposit it in other portions of the approved
17 landfill area and not mix waste until, in fact,
18 those results are done so that we can achieve just
19 what you're describing to ensure that stability is
20 maintained at the optimum mixing ratio.

21 MR. MEISTER: Except it also states that
22 before cell three proceeds, this was supposed to
23 be done, cell one and two mixed accordingly.

24 MR. WARDWELL: In regards to no mixed waste
25 can be placed until that is done, and that's what

1 I mean. The mixed waste is the excavated sludge
2 mixed with the incoming waste.

3 MR. MEISTER: Referring to Section 1, it
4 states to increase the capacity of the landfill,
5 an elevated berm will be constructed around the
6 perimeter of the landfill with the interior toe of
7 the berm within the currently licensed solid waste
8 boundary. My interpretation of that is that the
9 base of the landfill will be tied in to the base
10 of the berm, is that correct?

11 MR. MAHER: I'm not exactly sure what your
12 exact question is, but I think the -- the gist of
13 your question is will the waste be placed outside
14 of the solid waste -- the existing or already
15 permitted solid waste boundary, and it will not.
16 There will be no waste placed outside of the
17 already permitted footprint of the landfill.

18 MR. MEISTER: Okay. If these are tied
19 together, it will probably make more sense for
20 everyone. Another question was going to be with
21 the height of the berm, and it states that it
22 ranges from 19 feet to, I believe, 30 feet on the
23 Eastern side. I believe that with the berm, the
24 fill was, you know, going to come up a good part
25 of the way near the top of the berm, is that

1 understanding correct?

2 MR. MAHER: The height of the berm will
3 increase and the outside extension of that berm,
4 which is soil material essentially, may extend
5 beyond the already existing berm, but the inside
6 of that berm where the actual footprint of the
7 landfill will be will not extend any further
8 beyond where it is today.

9 MR. MEISTER: I understand what you're
10 saying. I don't know if I buy that, but I'll go
11 on. In Section 9, using the interior and exterior
12 slopes as described and the width on the top of
13 the berm, I came up -- now this is me -- I came up
14 with a base width ranging from 107 feet on the
15 West up to 194 feet on the East. Given the
16 interior slopes in that it will be filled up the
17 berm, that certainly looks like the landfill is
18 expanding horizontally to me.

19 MR. MAHER: The definition of a landfill
20 expansion is the actual footprint of where the
21 waste will be placed. Okay, the berm itself will
22 expand beyond the -- the location of the smaller
23 berm which is there today, but that berm itself is
24 a soil material. It does not contain any waste.
25 So you're correct in saying that the base of that

1 berm may extend 100, 150 feet out, but it would be
2 constructed such that the actual placement of the
3 waste will not extend beyond where it is today,
4 and that is entirely possible if someone was to
5 just draw out the geometry of that berm compared
6 to what's there today.

7 MR. MEISTER: I'm still a little confused.
8 It's easy to see that the base of the berm itself
9 would extend, but with an interior slope and if
10 they are tied together, it says they are, and I'll
11 ask that question again, is the fill coming up on
12 the berm relatively close to the top?

13 MR. MAHER: Yes.

14 MR. MEISTER: Then with the interior slope,
15 which I judge to be approximately 57 feet on the
16 westerly side, and I've got the exact figure, up
17 to 90 feet on the Easterly side --

18 MR. MAHER: We're actually going to be
19 losing some capacity at the bottom of that cell
20 because that interior berm is going to push into
21 the cell. The berm will push into the cell and
22 the point where that berm comes together will not
23 move out beyond where it is today in a horizontal
24 position.

25 MR. MEISTER: Okay, that explains it a

1 little more.

2 MS. WALSH: You have about 30 more seconds
3 of questioning left.

4 MR. MEISTER: The only other point I'd like
5 to make in the agreement, two things that are
6 clearly stated where over and over it's been said
7 that this is not a horizontal expansion, it states
8 the purchase and sales agreement state the pulp
9 and paper mill waste currently licensed for
10 disposal in the landfill will continue to be
11 disposed in the landfill for at least 30 years.
12 It also clearly states the proposed vertical
13 increase is expected to provide disposal capacity
14 for approved waste streams for up to 15 years. So
15 to me, obviously that states in a roundabout way
16 but it states that a horizontal expansion is
17 proposed -- it is part of the proposal, and it's
18 my belief that it should be treated that way
19 legally as a new expanded landfill. Thank you.

20 MR. DOYLE: As we said earlier and again
21 this afternoon, there is no lateral expansion
22 proposed in this amendment application. As Mr.
23 Meagher said earlier today, at some point in the
24 future there will be explorations done for a
25 lateral expansion, but it is not part of this

1 proposal before the Department today in the
2 amendment application.

3 MS. WALSH: Okay. So we're going to wrap
4 it up for this session right now then. We will
5 readjorn at 6:00, get back together at 6:00.
6 Those of you who would like to sign up to speak,
7 please do so, and we'll see you at 6. Thank you
8 for your attendance.

9
10 (Whereupon, Session II was concluded at 5:30 p.m.)

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, Joanne P. Alley, a Notary Public in and
for the State of Maine, hereby certify that on the
29th day of March, 2004, personally appeared
before me the within-named witnesses who were
sworn to testify to the truth, the whole truth,
and nothing but the truth in the aforementioned
cause of action and that the foregoing is a true
and accurate record as taken by me by means of
computer-aided machine shorthand.

I further certify that I am a disinterested
person in the event or outcome of the
aforementioned cause of action.

IN WITNESS WHEREOF, I have hereunto set my
hand this 31st day of March, 2004.

Joanne P. Alley
Court Reporter/Notary Public

My commission expires: July 18, 2008